



# DISCREDITING "SELF DEPORTATION" AS IMMIGRATION POLICY

WHY AN ATTRITION THROUGH ENFORCEMENT STRATEGY MAKES LIFE DIFFICULT FOR EVERYONE

By Michele Waslin

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# Introduction

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The day that Alabama’s draconian anti-immigrant law went into effect in October of 2011, thousands of school children were reported absent from schools across the state, and workers did not show up for their jobs. In recent months, many immigrants living in the state have confined themselves to their homes, fearful of driving their kids to school, getting groceries, or seeking medical attention.<sup>1</sup> The Alabama State Representative behind the law, Mickey Hammon, explicitly stated that this was the law’s intended effect. He said that the law, HB56, “attacks every aspect of an illegal alien’s life” and “is designed to make it difficult for them to live here so they will deport themselves.”

Alabama provides a sterling example of the devastating impact of a strategic and systematic plan being promoted by anti-immigrant groups and lawmakers who have jumped on the bandwagon. The plan is called “attrition through enforcement” (sometimes called “self deportation”) and the groups behind it have created a web of federal and state legislative proposals that seek to reduce illegal immigration by making it difficult, if not impossible, for unauthorized immigrants to live in American society. While individual proposals may appear to be relatively benign, they are part of a larger systematic plan that undermines basic human rights, devastates local economies, and places unnecessary burdens on U.S. citizens and lawful immigrants. In essence, the attrition through enforcement strategy does nothing to address our national immigration concern and is placing unprecedented legal, fiscal, and economic burdens on states and local communities.

## What is “Attrition through Enforcement”?

Attrition through enforcement is a comprehensive immigration-control strategy to drive away the unauthorized population. The strategy was conceived by national immigration restrictionist organizations, including the Federation for American Immigration Reform (FAIR), Center for Immigration Studies (CIS), and Numbers USA. While these groups favor severe restrictions on all immigration and support mass deportation, they are also proponents of this strategy. Recognizing the current political reality, they have sought to market the idea of attrition through enforcement as a kinder, gentler alternative to the harsh, expensive, and unworkable strategy of mass deportation.

According to CIS, attrition through enforcement involves reducing the number of unauthorized immigrants living in the U.S., and deterring future unauthorized immigrants from coming, by stepping up enforcement of existing laws and increasing the incentives for immigrants to “deport themselves.” As NumbersUSA puts it: “There is no need for taxpayers to watch the government spend billions of their dollars to round up and deport illegal aliens; they will buy their own bus or plane tickets back home if they can no longer earn a living here.”<sup>2</sup>

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The term “attrition” has been used by restrictionists since at least 2003.<sup>3</sup> CIS first articulated a strategy of “attrition through enforcement” to “bring about a steady reduction in the total number of illegal immigrants” in a 2005 paper.<sup>4</sup> Perhaps the most comprehensive statement of attrition through enforcement was released in a 2006 CIS report entitled *Attrition Through Enforcement: A Cost-Effective Way to Shrink the Illegal Population*. In the report, the author writes:

The purpose of attrition through enforcement is to increase the probability that illegal aliens will return home without the intervention of immigration enforcement agencies. In other words, it encourages voluntary compliance with immigration laws through more robust interior law enforcement. When combined with a strategy to improve border security, this approach will bring about a significant reduction in the size of the illegal alien population and help deter future illegal immigration.<sup>5</sup>

At that point, elements of the strategy included mandatory use of E-Verify, ending the misuse of Social Security Numbers, reducing visa overstays, and increasing the number of non-criminal deportations.<sup>6</sup>

Over the past decade, whether as a result of a concerted effort or due to an inability to achieve consensus on any other immigration reforms, attrition through enforcement has become the *de facto* immigration strategy at the national level. House Republicans, under the leadership of Reps. Steve King (R-IA), Lamar Smith (R-TX), and Elton Gallegly (R-CA), have wholly embraced attrition through enforcement.<sup>7</sup> They have pushed ever-harsher proposals to increase enforcement of current laws and create new, extreme laws such as making unlawful presence a felony and criminalizing those who assist anyone who is unlawfully present.<sup>8</sup>

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With bipartisan support, laws have passed which expand detention and deportation, deny benefits to unlawfully present immigrants (as well as some legal immigrants), place national restrictions on access to driver’s licenses, and increase border enforcement. Both Republican and Democratic administrations seem to have embraced elements of this strategy as well, implementing policies to expand the use of E-Verify and the 287(g) and Secure Communities programs. In other words, rather than reforming the broken immigration system by expanding legal pathways for immigrants to work and reunify with family members in the U.S., the federal government has put more energy and resources into enforcing current immigration laws and deporting ever-larger numbers of people.

However, despite the billions of dollars poured into this strategy, vast increases in immigration enforcement have not resulted in attrition. There is little evidence that large numbers of unauthorized immigrants are leaving the U.S. due to enforcement efforts. A July 2011 study from the RAND Corporation found that, despite improved economic conditions in Mexico and worsened conditions in the United States, *fewer* Mexican immigrants returned to Mexico in 2008 and 2009 than in the two years before the recession.<sup>9</sup> RAND found declines in return migration among “male migrants and all 18- to 40-year-old migrants with less than a college education,” as well as a decline in total return migration in the fourth quarter of 2008 (the beginning of the global financial crisis).

Proponents of attrition through enforcement would suggest that the U.S. simply hasn’t done enough, and that conditions are not yet miserable enough for unlawful immigrants to self-deport. In recent years, these anti-immigrant groups have expanded their efforts at the state and local levels. According to NumbersUSA, “living illegally in the United States will become more difficult and less satisfying over

time when the government—at ALL LEVELS—enforces all of the laws already on the books {emphasis in the original}.” Thus, the attrition through enforcement strategy calls for an increase in apprehensions and deportations through partnerships between the Department of Homeland Security (DHS) and states/localities (such as 287(g) and Secure Communities) and “passing state and local laws to discourage the settlement of illegal aliens and to make it more difficult for illegal aliens to conceal their status.”<sup>10</sup>

## The Role of National Organizations

While both Numbers USA and CIS have promoted the idea of attrition through enforcement vigorously, FAIR and its legal arm, the Immigration Reform Law Institute (IRLI), have taken credit for leading the charge at the state level. FAIR is the largest and arguably the most important national immigration restrictionist organization in the U.S. The organization, which has been labeled a “hate group” by the Southern Poverty Law Center, has embraced the strategy of attrition through enforcement<sup>11</sup> and has actively supported legislation to advance it at the national and state levels. Founded in 1979, FAIR has been at the center of founding and funding many of the other anti-immigrant groups that promote its attrition through enforcement agenda. Newer groups affiliated with FAIR, such as State Legislators for Legal Immigration (SLLI), have played an important part in writing and promoting the attrition through enforcement agenda in states and localities.

***The restrictionist movement decided to target a number of vulnerable states where anger over loss of state services and concern about growing immigrant populations could be turned to their advantage.***

IRLI “works to design and promote state and local legislation that enables communities to effectively address problems resulting from illegal immigration.”<sup>12</sup> Michael Hethmon, the general counsel of IRLI, has frequently stated that the restrictionist movement decided to target a number of vulnerable states where anger over loss of state services and concern about growing immigrant populations could be turned to their advantage. According to Hethmon, the state strategy of the restrictionist movement is to use state legislatures to pass laws that will inevitably be challenged as unconstitutional in court, thus paving the way for a showdown in the Supreme Court over the state’s authority to enforce immigration laws.<sup>13</sup> In fact, the Supreme Court will issue a key decision later this year in *Arizona vs. United States*.

The highest profile advocate of the attrition strategy is Kris Kobach, the current Secretary of State of Kansas, who continues to serve as chief legal counsel to IRLI. Kobach has been honing and experimenting with this strategy for years. Immediately following 9/11, Kobach worked at the Department of Justice (DOJ) under Attorney General Ashcroft, where he was responsible for much of the post-9/11 immigration agenda. For example, Kobach was instrumental in the creation of the controversial National Security Entry-Exit Registration System (NSEERS), which required Muslim and Middle Eastern visa holders to register with the government and be fingerprinted.

Kobach has been working to set the stage for an enhanced role for states and localities for at least a decade. In 2002, Kobach was involved in drafting an Office of Legal Counsel (OLC) opinion stating that state and local police have the “inherent authority” to arrest immigrants for civil violations of immigration law, which was in direct contradiction to previous OLC opinions. His academic articles argue for a greater role for the states in immigration enforcement,<sup>14</sup> and he has written in defense of attrition through enforcement.<sup>15</sup> After returning to Kansas, Kobach became chief legal counsel to IRLI and filed a

suit challenging the state's law that allowed for in-state tuition for unauthorized immigrants who graduate from Kansas high schools. While the lawsuit was thrown out, Kobach continued to press his immigration control agenda at the state and local level. He openly acknowledges his role in writing and defending such laws in Arizona and Alabama, as well as Hazleton, PA; Valley Park, MO; Farmers Branch, TX; and Fremont, NE.<sup>16</sup>

SLLI, founded in 2007 by Republican Pennsylvania state senator Daryl Metcalf, works closely with FAIR and IRLI to promote restrictionist legislation in the states. Echoing the language of attrition through enforcement, SLLI's website states that:

Since Washington DC remains AWOL on fulfilling its Constitutional responsibilities to secure our nation's borders against foreign invaders, it is not only incumbent, but the obligation of state lawmakers in Pennsylvania and across the nation to step up and do the job that our federal government refuses to do... Once the economic attractions of illegal jobs and taxpayer-funded public benefits are severed at the source, these illegal invaders will have no choice but to go home on their own.<sup>17</sup>

These organizations have stood together with state elected officials to promote their attrition through enforcement agenda and advance anti-immigrant state legislation. Their apparent strategy is to use the states as laboratories for increasingly harsh immigration laws, and then charge the same states to defend those laws in court, all the while leaving a wake of devastation in their paths. If attrition through enforcement is the overall strategy, even a failure to pass a law or a loss in court can be considered victories because the overall objection of making immigrants feel unwelcome is realized.

## **Arizona and Alabama: Attrition through Enforcement's Impact**

The effort to make the environment inhospitable for unauthorized immigrants at the state and local level goes back more than a decade. In 1994, Proposition 187 in California, for example, would have denied basic services, including education, to unauthorized immigrants and would have required health care workers, state agency personnel, and others to report suspected unauthorized immigrants to the federal government. Beginning in the early 2000's, laws denying driver's licenses to unauthorized immigrants were intended to make it difficult to complete everyday tasks that require driving or showing identification. But the passage of anti-immigrant legislation in Arizona in 2010 and Alabama in 2011 significantly upped the ante, expanding further the types of incursions into private life deemed acceptable under attrition through enforcement.<sup>18</sup>

At the time of its passage in April 2011, Arizona's immigration law (SB1070) surpassed previous state immigration control efforts in intention, as well as content, and declared that "the intent of this act is to make attrition through enforcement the public policy of all state and local government agencies in Arizona."<sup>19</sup> The provisions of Arizona's law were clearly intended to interfere in many aspects of normal daily life. SB1070 required law-enforcement agencies to check the immigration status of anyone they encounter during any lawful stop or arrest<sup>20</sup> and of anyone booked into custody.<sup>21</sup> It authorized law-enforcement agencies to make warrantless arrests for civil immigration violations,<sup>22</sup> and made it a crime for unauthorized immigrants to solicit or perform work. It also created new crimes for failing to carry immigration registration documents<sup>23</sup> and to transport or harbor an unauthorized immigrant.<sup>24</sup> Since much of Arizona's law was quickly struck down by the courts and has never been implemented, its full impact has yet to be measured. However, the state lost an estimated \$141 million in the conference and tourism industry due to a boycott following passage of the law,<sup>25</sup> and has already spent at least \$1.5



million defending the law in court.<sup>26</sup> The law’s sponsor, State Senator Russell Pearce, lost his seat in a recall election.<sup>27</sup>

In contrast, Alabama, where the total foreign-born population amounts to 3% of the total population, passed the “Beason-Hammon Alabama Taxpayer and Citizen Protection Act” (HB56) in June of 2011 and implemented much of it on October 1, 2011. Alabama’s law not only draws inspiration from Arizona, but goes well beyond SB1070 in significant ways. While Alabama’s law might not explicitly state its intention to implement attrition through enforcement, that intention was made clear by its supporters. HB56 sponsor Sen. Scott Beason clarified that “[The law] was not designed to go out and arrest tremendous numbers of people. Most folks in the state illegally will self-deport and move to states that are supportive of large numbers of illegals coming to their state.”<sup>28</sup>

***The Alabama law has resulted in an expansion of state government into nearly all aspects of individuals’ lives—citizens and noncitizens alike.***

Like SB1070, HB56 contains provisions regarding work, carrying documentation, harboring and transporting unauthorized immigrants, and police verification of individuals’ status. However, HB56 also contains provisions requiring school children to provide proof of immigration status before being allowed to enroll in public schools.<sup>29</sup> And HB56 has provisions that restrict unlawful immigrants from engaging in contracts and business transactions.<sup>30</sup>

While some provisions of the law were eventually enjoined by the courts, and the state Attorney General has limited the implementation of others, the ultimate fate of the law remains unknown. However, enough of the law has been implemented to provide a useful illustration of how the strategy of attrition through enforcement is experienced by local communities. The Alabama law has resulted in an expansion of state government into nearly all aspects of individuals’ lives—citizens and noncitizens alike.

Section 28 of the law requires schools to check the immigration status of children registering for school. While the law did not explicitly bar children from attending school, it succeeded in having a severe chilling effect. By the first Monday after HB56’s implementation, 2,285 Latino students—seven percent of the total Latino school population—were absent from schools across Alabama.<sup>31</sup>

Under Section 27, state courts “shall not enforce the terms of, or otherwise regard as valid, any contract between a party and an alien unlawfully present in the United States, if the party had direct or constructive knowledge that the alien was unlawfully present in the United States.” This means that unlawfully present immigrants can enter into contracts, but there is generally no legal recourse in the courts for either party to the contract if the terms of the contract are broken. An unlawful immigrant may have no legal recourse if his employer refused to pay him for work performed; an unlawful immigrant who hires a lawyer would have no recourse if the lawyer does not provide the services agreed to; an unlawful immigrant renting an apartment may have no legal recourse if the landlord unilaterally withdraws the lease. Even people who have been making mortgage payments for years may have no way to stop sellers from taking their houses back.<sup>32</sup> Similarly, the courts cannot enforce contracts in favor of U.S. citizens if unauthorized immigrants break the terms of the contracts.

Meanwhile, Section 30 makes it a felony for an “alien not lawfully present in the United States... [to] enter into or attempt to enter into a business transaction with the state” or a political subdivision.” “Business transaction” was initially interpreted broadly by state agencies, municipalities, and utility companies and, as a result, these entities were requiring proof of legal status to acquire everyday

necessities such as water, sanitation, gas, and electrical services. They also required government-issued documents to obtain death certificates, to renew business permits and driver's licenses, to renew registration tags for mobile homes, and even to pay taxes.

While the courts and the Alabama Attorney General have narrowed the definition of what constitutes a business transaction and have stopped implementation of some provisions of the law, much of the damage has already been done. There were initial reports that large numbers of immigrants had left the state. It remains unclear whether these reports are accurate, or whether unauthorized immigrants and their families have gone further underground, hunkering down in their homes and hoping to wait out the worst. For those who remain in Alabama, life has become exceedingly difficult. A hotline established to take calls about the impact of the new law received nearly 4,000 calls by the end of November.<sup>33</sup> Several organizations have documented how employers have refused to pay their employees, landlords have refused to make critical repairs, and lawyers, judges, and court interpreters have threatened to report suspected unauthorized immigrants. Countless children have lost valuable time in school as parents have withdrawn them, or are simply afraid to drive them to school.<sup>34</sup>

**“[The law] has turned a significant class of people, effectively, into legal nonpersons, subjecting them to a kind of legal exile. It has destroyed lives, ripped apart families, devastated communities and left our economy in shatters. —Patrick Jonsson**

The law has also created an environment in which harassment, discrimination, and abuse are prevalent. It provides an invitation to police to single out people they suspect of being unauthorized, resulting in profiling and discrimination. Furthermore, private individuals and businesses have taken it upon themselves to demand proof of legal status from people they suspect of being unlawfully present. One woman reported that a clerk at a major discount store told her she needed proof of U.S. citizenship to fill a prescription. Human Rights Watch and others have reported that strangers make disparaging or abusive remarks in public to those who appear “foreign,” and that Latino school children are being traumatized and bullied by their classmates.<sup>35</sup> As one observer noted: “[The law] has turned a significant class of people, effectively, into legal nonpersons, subjecting them to a kind of legal exile. It has destroyed lives, ripped apart families, devastated communities and left our economy in shatters.”<sup>36</sup>

When viewed through the attrition through enforcement lens, the impact and consequences of the new breed of immigration enforcement laws are not unintended. In response to a question about the “unintended consequences of the law,” Alabama Congressman Mo Brooks responded: “Those are the intended consequences of Alabama’s legislation with respect to illegal aliens. We don’t have the money in America to keep paying for the education of everybody else’s children from around the world.”<sup>37</sup> Similarly, Kobach has publicly stated that driving Hispanics out of the state was just an efficient way to enforce the law: “People are picking up and leaving...You’re encouraging people to comply with the law on their own. Nobody gets arrested. Nobody spends time in detention. We don’t expend resources in removal proceedings...I’d say that’s a good thing.”<sup>38</sup> U.S. Senator Jeff Sessions (R-AL) called the fact that Latinos are leaving the state “a rational response” to the law. In response to talk radio host Laura Ingraham’s question about Latino kids disappearing from schools, Sessions replied: “All I would just say to you is that it’s a sad thing that we’ve allowed a situation to occur for decades that large numbers of people are in the country illegal, and it’s going to have unpleasant, unfortunate consequences.”<sup>39</sup>



## Making Life Difficult for Immigrants Makes Life Difficult for Everyone

HB56 is aimed at making it impossible for unauthorized immigrants to live in Alabama. By denying access to housing, school, utilities, work, and all other necessities, Alabama hopes to cause its unauthorized immigrant population to leave the state. However, if the provisions of HB56 were intended to make daily life difficult for unauthorized immigrants, the law has exceeded expectations by making life difficult for everyone. Implementation of these provisions has made life in the state difficult for many residents and businesses, not just immigrants. For example, it has meant that all persons attempting to conduct any transaction within the state have been inconvenienced by having to show proof of lawful immigration status. One consequence was that Alabama had to push back the deadline for businesses to obtain or renew their licenses “due to the hardship placed on Alabama businesses” that could not get licenses in October because of implementation of the new law.<sup>40</sup> The fact that individuals and businesses obtaining or renewing business and store licenses must show additional documentation has led to long lines at courthouses and other delays.

***Implementation of these provisions has made life in the state difficult for many residents and businesses, not just immigrants ... public safety has been compromised ... the law is expensive ... businesses will spend more.***

In addition, public safety has been compromised as immigrants fear reporting crimes to the police, and public health has been endangered because immigrants fear going to the doctor to receive care. U.S. citizens who would normally take compassion on immigrant families now fear they could be penalized for “harboring” or “transporting” unauthorized immigrants if they babysit or take a family to church.

The consequences of Alabama’s law on the state’s economy have been immediate and devastating. While proponents of HB56 argue that the law will save the state money and decrease unemployment, the law is expensive to implement and defend in court. Few Alabamians are taking jobs usually filled by unauthorized workers. The effect on the state’s economy has already been apparent. Immediately after HB56 was implemented, there were reports of fruit rotting in the fields because Latino workers had not shown up for work. Economist Samuel Addy of the University of Alabama estimates that HB56 could shrink the state’s Gross Domestic Product (GDP) by up to \$10.8 billion and Alabama could lose between \$57 and \$264 million loss in state income and sales tax collections.<sup>41</sup>

Economist Jeremy Thornton of Samford University points to the “shadow costs” employers incur when they take steps to protect themselves from the law’s stiff penalties. Businesses will spend more on employee screening to protect themselves and there could be increased litigation costs for businesses because any legal worker could sue the employer if they have hired an unauthorized worker. “Every business that now has to comply with this legislation, that’s just extra cost. And anytime you raise costs, businesses shrink.”<sup>42</sup>

In November 2011, a Mercedes-Benz executive was arrested under HB56 after being stopped by the police for a missing tag on his rental car, and failing to present a driver’s license or proper documentation.<sup>43</sup> Several weeks later, a Japanese national working for Honda was arrested under the law.<sup>44</sup> These stories made national headlines, and caused some to question the impact the law would have on foreign investment in the state. The editorial board at the *St. Louis Post-Dispatch* was inspired to suggest Mercedes take their plant to Missouri where they are the Show-Me state, not the “show-me-your-papers” state.<sup>45</sup>

Lawfully present German and Japanese nations working for companies that are a source of international investment and jobs to the state were not the intended targets of the new law, but the fact that they have been impacted is evidence that efforts to make life hard for unauthorized immigrants have a spillover effect. Soon after, the Governor of Alabama, several state legislators, and the state's Attorney General admitted that some tweaks to the law are necessary to prevent the negative impact on businesses. According to one Alabama official, "Everybody's for a strong immigration law, and we're not looking at anything that would foster illegals or provide extra benefits...but we need to correct unintended consequences causing a lot of undue heartaches and extra work for our citizens."<sup>46</sup>

It is clear that the additional difficulties experienced by Alabama businesses are unintended, but the devastating consequences of the Alabama law on unauthorized immigrants and their families are intentional. If one measures success by the degree to which all aspects of the lives of unauthorized immigrants and others are made miserable, Alabama's law has been overwhelmingly successful.

## Developing a Sensible, Values-Based Immigration Reform Plan

The goal of an attrition through enforcement strategy is the same as mass deportation: forcing all unlawfully present immigrants to leave the U.S., regardless of time spent here, rootedness to the community, or family connections. The harsh state laws have only succeeded in pushing unauthorized immigrants further underground into the informal economy, or shifting the population elsewhere, while making life in the state more difficult for everyone.

Given the fact that attrition through enforcement has not resulted in a significant reduction in the unauthorized immigrant population, and recognizing the devastating impact that the strategy has had on communities, we must ask ourselves what type of country we really want to be. Is making our communities so thoroughly inhospitable that people will choose to leave really in line with our values as Americans? If we go this route, how do we distinguish ourselves from those immigrant-sending countries where crime, terrorism, economic turmoil, and political violence make living conditions unbearable, causing migrants to leave?

***Rather than the de facto strategy of attrition through enforcement, it is possible to create a well-functioning, national, legal immigration system for the 21<sup>st</sup> century.***

The United States can do better. Rather than the *de facto* strategy of attrition through enforcement, it is possible to create a well-functioning, national, legal immigration system for the 21<sup>st</sup> century. Congress and the President can engage in a serious legislative process to humanely deal with the millions of unauthorized immigrants currently living in the U.S. and to reform the family- and employment-based visa systems so that there are reasonable channels through which future immigrants may enter the country legally. Many experts agree that a well-functioning legal immigration system is a critical element of our economic recovery. Ensuring that all immigrants in the U.S. have proper legal status and documents and are fully integrated into our communities is an important step toward ameliorating the fears U.S. citizens are feeling across the country.

Thus, even as national attention is turned toward state debates, ultimately Congress bears the burden of putting an end to the rampant fear and anger that is allowing restrictionist organizations and politicians to step in and offer their attrition through enforcement "solution." A reasonable, practical solution at the national level can go a long way toward stopping the states from damaging their own communities and economies in the name of immigration control.

## Endnotes

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- <sup>3</sup> Mark Krikorian, [Testimony](#) prepared for the U.S. House of Representatives, Committee on the Judiciary, Subcommittee on Immigration, Border Security, and Claims, on "Department of Homeland Security Transition: Bureau of Immigration and Customs Enforcement," April 10, 2003; and [Fewer Immigrants, A Warmer Welcome: Fixing a Broken Immigration System](#) (Washington, DC: Center for Immigration Studies, November 2003).
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- <sup>6</sup> *Ibid.*, p. 3.
- <sup>7</sup> See "[Attrition Through Enforcement: Just Another Name for Mass Deportation](#)" (Washington, DC: America's Voice Education Fund, February 2011).
- <sup>8</sup> HR4437 in 2005.
- <sup>9</sup> Michael S. Rendall, Peter Brownell, and Sarah Kups, *Declining Return Migration From the United States to Mexico in the Late-2000s Recession: A Research Note* (Santa Monica, CA: RAND Corporation, July 9, 2011).
- <sup>10</sup> Vaughan, p. 3.
- <sup>11</sup> "[Attrition Through Enforcement is the Best Option for Addressing Our Current Illegal Alien Population](#)," FAIR website, accessed January 5, 2012.
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- <sup>14</sup> Kris Kobach, "The Quintessential Force Multiplier: The Inherent Authority of Local Police to Make Immigration Arrests," *Albany Law Review*, vol. 69, pp. 180-235. Also see "The Rule of Law: What States Can and Should Do to Reduce Illegal Immigration," *Georgetown Immigration Law Journal*, vol. 22, pp. 459-83.
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- <sup>16</sup> George Talbot, "[Kris Kobach, The Kansas Lawyer Behind Alabama's Immigration Law](#)," *Alabama Press Register*, October 16, 2011.
- <sup>17</sup> "[A Message from the Founder](#)," SLLI website, accessed January 5, 2012.
- <sup>18</sup> Utah, Georgia, South Carolina, and Indiana also passed laws with provisions similar to those of Arizona and Alabama.
- <sup>19</sup> SB1070.
- <sup>20</sup> SB1070 Section 2(B).
- <sup>21</sup> SB1070 Section 2(C).
- <sup>22</sup> SB1070 Section 6.
- <sup>23</sup> SB1070 Section 3.
- <sup>24</sup> SB1070 Section 5.
- <sup>25</sup> Marshall Fitz and Angela Kelley, [Stop the Conference: The Economic and Fiscal Consequences of Conference Cancellations Due to Arizona's SB1070](#). Center for American Progress, November 18, 2010.
- <sup>26</sup> Ginger Rough, "[1.5 Million Already Spent Defending SB 1070](#)," *The Arizona Republic*, February 25, 2011.
- <sup>27</sup> David Schwartz, "[Russell Pearce, Architect of Illegal Immigration Law in Arizona, Loses Election](#)," *Christian Science Monitor*, November 9, 2011.
- <sup>28</sup> Mary Orndorff, "[Update: State Senator Scott Beason Responds to DHS Secretary Janet Napolitano on Immigration Policy](#)," *The Birmingham News*, October 27, 2011.
- <sup>29</sup> HB56 Section 28.
- <sup>30</sup> HB56 Sections 27 and 30.
- <sup>31</sup> Mary Bauer, Legal Director, Southern Poverty Law Center, [Testimony](#) before Congressional Ad Hoc HB56 Hearing, November 21, 2011.
- <sup>32</sup> Joan Friedland, [Turning Off the Water: How the Contracting and Transaction Provisions of Alabama's Immigration Law Make Life Harder for Everyone](#) (Washington, DC: Immigration Policy Center, American Immigration Council, November 2011).
- <sup>33</sup> Mary Bauer, Legal Director, Southern Poverty Law Center, [Testimony](#) before Congressional Ad Hoc HB56 Hearing, November 21, 2011.
- <sup>34</sup> Human Rights Watch, [No Way To Live: Alabama's Immigrant Law](#), December 2011; AFL-CIO, [Crisis in Alabama: Investigating the Devastating Effects of HB56](#), December 2011.
- <sup>35</sup> Human Rights Watch, [No Way To Live: Alabama's Immigrant Law](#), December 2011.
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- <sup>37</sup> David Person, "[Juan Crow' Law Alive and Well in Alabama](#)," *USA Today*, November 1, 2011.
- <sup>38</sup> Scott Rothschild, "[Immigration Experts Meeting at KU Criticize Kobach's Laws](#)," *LJWorld.com*, October 13, 2011.

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<sup>39</sup> Marie Diamond, "[Sen. Sessions: It's Not Sad the Immigrant Children are Too Scared to Go To School. It's Sad They're Even Here](#)," *Think Progress*, October 6, 2011.

<sup>40</sup> Phillip Rawls, "[Biz Deadline Delayed Due to Ala. Immigration Law](#)," *Bloomberg Businessweek*, November 4, 2011.

<sup>41</sup> Samuel Addy, *The New Alabama Immigration Law: A Preliminary Macroeconomic Assessment* (Tuscaloosa, AL: Center for Business and Economic Research, University of Alabama, October 2011).

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<sup>43</sup> Verna Gates, "[Alabama Immigration Crackdown Nabs Mercedes Executive](#)," Reuters, November 22, 2011.

<sup>44</sup> Jeremy Grey, "[Charge Dismissed Against Honda Employee Arrested Under Alabama Immigration Law](#)," AL.com, December 1, 2011.

<sup>45</sup> "[Hey, Mercedes, Time to Move To A More Welcoming State](#)," *St. Louis Post Dispatch*, November 22, 2011.

<sup>46</sup> Patrik Jonsson, "[Why Republicans are Doing an About Face on Tough Alabama Immigration Law](#)," *Christian Science Monitor*, November 16, 2011.