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State Policies on Immigrant Integration: An Examination of Best Practices and Policy Diffusion

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Summary:

In the past decade, a significant shift has emerged around immigration policy, as advocates and policymakers have made various efforts to pass state and local policies related to immigrant integration. In some instances, these policies have complemented immigrant integration efforts at the national level, such as encouraging naturalization and providing additional assistance to beneficiaries of Deferred Action for Childhood Arrivals (DACA). In other instances, state-level policies have served as substitutes for legislative provisions that have stalled at the federal level, while in others still, states and localities have passed laws resisting particular aspects of federal enforcement.

Among the various state-level efforts at immigrant integration, California has so far gone the farthest, although as we note much also remains to be done. With many other states moving in the same direction, and with an indefinite delay in comprehensive immigration reform, these subfederal policies have taken on a life of their own, becoming new and possibly permanent features of the immigrant integration landscape.

In this paper, we provide an overview of various types of state-level policies that aim towards integration, particularly with respect to long-term residents that lack documentation status. We also outline strategies (or “best practices”) related to policymaking, policy implementation, and policy diffusion, based on strategic policy conversations we helped organize in late 2015 and early 2016. This working paper draws on the perspectives of participants at these convenings—including grassroots and “grass tops” advocates, policymakers, philanthropists, and researchers—as well as our own analysis of the contemporary landscape of state-level integration policies.

We conclude our paper with some thoughts about the long-term legacies of state immigrant integration policies. Recent setbacks in federal immigrant integration efforts should prompt a fresh look at the role of states and localities in promoting immigrant integration. As we note, strategic investments in these subfederal efforts can make a critical difference, not only as building blocks towards comprehensive immigration reform in the future, but as important policies in their own right.

This report draws on the help and insight of participants at various meetings held at UC Riverside and Sacramento, California. We are grateful to the MacArthur Foundation for its financial support, and to key organizations that have helped in organizing these meetings: Presley Center for Crime and Justice Studies, California Immigrant Policy Center, SEIU California, and Center for American Progress. Of course, we alone are responsible for the claims made in this paper, as well as any errors contained herein.

CALIFORNIA AND BEYOND: FROM PROP. 187 TO THE “CALIFORNIA PACKAGE”

Immigration law is no longer the exclusive domain of the federal government, with states and localities increasingly passing a range of laws to regulate the lives of immigrants. While restrictive state laws on immigration enforcement and access to public benefits had the upper hand during much of the early 2000s, the tide began to turn starting in 2012. California, in particular, has led the way in passing the most far-reaching laws intended to assist with immigrant integration, particularly for those without documented status. These policies include in-state tuition for unauthorized immigrants (passed in 2001) and financial aid for unauthorized students (2011); access to driver licenses and professional licenses for unauthorized immigrants (2014); non-cooperation on federal immigration enforcement involving minor offenses (2013); and statewide bans on local landlord ordinances (2007) and bans on local government mandates on e-Verify (2011).

When advocates in California initially pushed for pro-integration legislation in 2001, it was meant as a stopgap measure in anticipation of federal comprehensive immigration reform (CIR). However, with recurring delays in federal legislation and with the rise of local restrictive efforts, statewide integration laws began to accumulate—gradually in 2007 and accelerating after 2012. In a 2015 policy brief called *The California Package*,¹ we argue that California has now established a fairly comprehensive bundle of rights for undocumented immigrants in the state. Some of these rights and benefits, we argue, go even further than those envisioned in federal proposals on immigration reform, and will remain an important part of the immigration policy landscape for the foreseeable future.

Piercing The Myth of Inevitability

The move towards immigrant integration was not inevitable in California. In fact, history paints quite the opposite picture: California led in restrictive measures on immigration, from its very establishment as a state in 1850—California imposed taxes on foreign-born miners and lobbied heavily to exclude Chinese immigrants to the United States—through the mid-1990s, when the state passed a series of laws that were racially divisive and restricted immigrant access to various benefits.² This long history of immigration restriction in California brings an important question: How did the state, long seen as hostile to immigrants and passing very restrictive laws in 1994 (Proposition 187) and 1998 (Proposition 227) shift within 15 years to be a national leader on immigrant integration?

Our research, as well as the dominant view in our various policy convenings on immigrant integration (see page 3) indicate that organizing played a key role in California’s transformation. Extensive efforts and coordination between grassroots activists and “grass tops” leaders helped reverse California’s course away from restriction and towards integration. Proposition 187 ignited Latino voters to participate in state elections, leading to a new era of Democratic Party dominance in the state.³ Immigrant advocates responded to Prop. 187 at the grassroots level by organizing a movement to fight for immigrant rights, with support from a network of funders that had a long-term investment strategy for community empowerment and policy change. Furthermore, a new generation of Latino leaders who were active in the fight against Prop. 187 started occupying staff positions and eventually winning legislative office, providing important connective tissue between advocacy networks on the ground and policymakers in state and local government.⁴

In 2001, and again in 2007, California was able to achieve small successes, granting in-state tuition to all immigrants and passing a statewide ban on landlord ordinances, respectively. However, between 2002 and 2008, advocates spent more time focusing on building organizational capacity and sophistication than on particular policies. This infrastructure-building was not only critical for future legislative victories, but it also allowed for meaningful short-term achievements in a statewide political climate that wasn’t yet fully welcoming towards immigrants. A network of statewide funders made patient investments over a decade to build up a regional infrastructure of immigrant advocacy organizations.⁵

These organizations, in turn, started coordinating on legislative and advocacy strategies that included acts of civil disobedience by immigrant youth, outreach to business organizations and clergy, and research on messaging strategies designed to sway public opinion toward more welcoming strategies.⁶ This cross-regional strategy in building organizational capacity proved useful over the years, as immigrant rights organizations helped elect more pro-integration legislators to state office and kept those representatives accountable by holding large-scale protests and rallies in their home districts. To summarize our prior work, a united and broad coalition developed in response to laws like Proposition 187 and 227 in California, and it is only after a decade of investment and organizing that the state gained the momentum necessary to pass an array of

1. S. Karthick Ramakrishnan and Allan Colbern, “The California Package: Immigrant Integration and the Evolving Nature of State Citizenship,” *Policy Matters* (2015). More reports at <http://immigration.ucr.edu/>
2. Pratheepan Gulasekaram and S. Karthick Ramakrishnan, *The New Immigration Federalism* (New York: Cambridge University Press, 2015).

3. *Ibid.* See also Ricardo Ramírez, *Mobilizing Opportunities: The Evolving Latino Electorate and the Future of American Politics* (Charlottesville: University of Virginia Press, 2013).

4. Gulasekaram and Ramakrishnan, *The New Immigration Federalism*, ch. 5.

5. Cathy Cha, “Lessons for Philanthropy from the Success of California’s Immigrant Rights Movement” *Responsive Philanthropy*, Winter 2014.

6. Gulasekaram and Ramakrishnan, *The New Immigration Federalism*, ch. 5.

immigrant integration policies. It is thus misleading to think of immigrant integration in California as an inevitable result of its racial diversity or partisan composition: long-term investments in organizing played a critical role in shifting the state from being a leader on immigration restriction to one on immigrant integration.

As an epilogue to our report from spring 2015: California proposed a bundle of ten laws last year called “Immigrants Shape America,” which included laws providing unauthorized immigrants access to state-subsidized health care coverage; penalizing discrimination based on legal status, citizenship or language; protecting unauthorized immigrant workers, children and victims of a crime; and further limiting state coordination with federal enforcement. All ten of these laws passed, expanding the size and scope of the California Package. Importantly, however, the work of immigrant integration in California remains far from complete (as we note in page 11). Finally, the decade-long struggle with immigrant integration in California suggests several strategies or “best practices” that other jurisdictions can adapt to meet their own needs and circumstances. Indeed, our review of state legislation reveals several other places where immigrant integration policies have taken root and flourished.

Progress in Other States

As with the myth of California’s inevitability on immigrant integration, it is also too simple to cast the state as a singular success story. Of course, California has a large immigrant population, is a Democratic stronghold, has strong Latino representation, and has slowly developed deeply connected and strategic immigrant advocacy organizations since the mid 1990s. On state and local policies, however, many jurisdictions throughout the United States have also passed pro-integration policies and, in some cases, have provided leadership even before California took action.

Specifically, while California has led in passing in-state tuition in 2001, as of today 17 states offer in-state tuition; California was an early mover on driver licenses, and today, 13 states currently offer driver licenses to undocumented immigrants. Connecticut preceded California in passing a TRUST Act in 2013, which has since prompted the federal government to change its enforcement priorities. California and Illinois both passed Anti-E-Verify laws, and California and Florida both grant professional licenses to undocumented immigrants. Finally, New Haven, Connecticut was the first locality in the nation to pass a City ID for residents regardless of their immigrant status, paving the way for subsequent efforts in cities like San Francisco, New York, and Oakland.

Thus, there is much we can gain from asking how immigrant integration laws have been proposed, passed, and imple-

mented in states and localities across the nation. The rest of this policy report addresses the following questions:

What policy options exist for states and localities on integration?

What are the best practices?

What are the limits?

How many places are adopting immigrant integration policies?

STRATEGIC CONVENINGS ON INTEGRATION POLICIES

Our report draws on a series of policy conversations that we helped to organize in 2015 and 2016. On September 25, 2015 the Robert Presley Center for Crime and Justice Studies, UCR School of Public Policy, and the Immigration Research Group (IRG) at UC Riverside hosted a policy convening titled, “Immigration and Community Safety.” This meeting occurred in the aftermath of the shooting death of Kathryn Steinle in San Francisco by an undocumented immigrant, an incident that grabbed national headlines and thrust immigration and community safety concerns into the media spotlight. At their core, these debates touched on long-standing questions related to the constitutional rights of immigrants of varying legal status, the importance of community policing and community safety, as well the political, legal, and financial liabilities that different jurisdictions may face. The policy convening brought together a diverse group of scholars, law enforcement officials, and nonprofit organizations to provide different perspectives on these topics.

On November 16, 2015, the Center for American Progress and the Immigration Research Group organized the “Convening on State and Local Immigration Policy” in Riverside, CA, bringing together over forty advocates, funders and researchers from across the country to discuss best practices in policymaking at the state and local levels, in the absence of Comprehensive Immigration Reform (CIR). More recently, on January 22, 2016 the California Immigrant Policy Center (CIPC), Service Employees International Union (SEIU) California, and the IRG organized a convening on immigrant rights in Sacramento, bringing scholars and groups from across the state to explore policy opportunities in 2016 and beyond, and to identify key messages and priorities that intersect with other movements and campaigns.

This policy report assesses best practices on immigrant integration policy by drawing from these meetings, and it uses California’s package of laws to explore more fully what states can do to improve the lives of all immigrants. The goal of this report is to capture multiple perspectives and to highlight areas of wide agreement by the various policy entrepreneurs attending the three meetings, which are broken down into four sections: policymaking, implementation, organizational capacity, and community-engaged research. Our report then considers differences in policies based on effort—between those that rely

on long-term investments and coordinated efforts across jurisdictions and political actors versus those that can be achieved with comparatively less effort. By doing so, we hope to provide some clarity on the possibility of policy diffusion to new states

and localities. The report ends by discussing what we might envision as the “big picture” for immigrant integration, including the future role of states and localities if Comprehensive Immigration Reform were to pass.

Table I. The Scope and Spread of State Policies

Policy	States							
	√ (Undocumented Immigrants) * (Lawfully Present Immigrants Only)							
	CA	CT	IL	WA	OR	NM	MA	NY
Non-Cooperation Laws								
TRUST Act	√	√						
Limiting E-Verify	√		√					
Office of Immigrant Affairs	√		√				√	√
Drivers Licenses	√	√	√	√	DACA	√	DACA	DACA
Post Secondary Education								
In-State Tuition	√	√	Private Aid	√	√	√	√	√
Financial Aid	√		√	√		√		
Health Care								
Full-Scope State Medicaid for Children	√							
Full-Scope State Medicaid for Adults								
State Funded TANF ⁷	*	*	*	*	*	*		*
State Funded Food Assistance ⁸	*	* ⁹		*				
Medicaid/CHIP for Children ¹⁰	√	*	√	√	*	*	√	√
Medicaid/CHIP for Pregnant Women ¹¹	√	*	√	√	√	*	√	√
Workforce Protections								
Anti-Retaliation Protection	√							
Immigration-Related Threat Protection	√							
Domestic Worker “Bill of Rights” ¹²	*	*			*		*	*
Anonymous/Confidential Employee Reporting ¹³	√	√	√			√	√	√
Equal Remedies for Undocumented Immigrants (wage theft, etc.) ¹⁴	√		√	√				
Professional Licenses								
License to Practice Law	√		DACA					√
Other Professional Licenses	√							

7. http://www.nilc.org/guide_tanf.html (Updated August 2015)

8. http://www.nilc.org/state_food.html (Updated March 2014)

9. Connecticut does not appear to require legal status, but also does not expressly grant undocumented immigrants access to state-funded food assistance. “Immigrants ineligible for federal food stamps (SNAP) due to the 1996 federal welfare law eligible for food assistance at 75% of the federal amount. Immigrants who entered the U.S. on or after Apr. 1, 1998, must meet a 6-month residency requirement” (http://www.nilc.org/state_food.html)

10. <http://www.nilc.org/healthcoveragemaps.html> (Updated September 2015)

11. <http://www.nilc.org/healthcoveragemaps.html> (Updated September 2015)

12. See <http://www.domesticworkers.org/illinois-bill-of-rights> for list of states and bills.

13. National Employment Law Project, “Winning Wage Justice: An Advocate’s Guide to State and City Policies to Fight Wage Theft,” January 2001, 58, <http://www.nelp.org/content/uploads/2015/03/WinningWageJustice2011.pdf>.

14. Ibid., 63–65.

BEST PRACTICES IN POLICYMAKING

California today provides the most integrationist laws in the country when it comes to unauthorized immigrant residents. These laws include non-cooperation laws on certain types of immigration enforcement and the provision of driver licenses, postsecondary education, health care, workforce protections, professional licenses. As a package, these laws aim to improve the lives of immigrants, and the state's economy and society more generally. At the same time, California is not alone. In Table 1, we provide an overview of the diversity of integration laws passed by the top eight most progressive states when it comes to welcoming immigrants, revealing the current spread and scope of integration laws. Together, each states' laws work as a bundle of rights granted to authorized and unauthorized immigrants, who are both denied access under federal law. As this report will show, there is still important progress to be made, even in states like California that have gone the farthest.

Limiting E-Verify

Two states – California and Illinois – currently limit the use of E-Verify, a federal database that uses both Department of Homeland Security and Social Security Administration databases to electronically verify the identity and work authorization of employees.

Illinois passed the first state law targeting E-Verify in 2007. Advocates in Illinois argued that the E-Verify system was often inaccurate and led to many wrongful employment ineligibility outcomes.¹⁵ HB 1743 (2007) outlined specific procedures to be used by employers while participating in E-Verify in order to protect the civil rights employees, and a second bill, HB 1744 (2007), prevented all governmental jurisdictions in the state from requiring employers to use any employment verification system for any reason, and mandated procedures and responsibilities for proper use by employers, including posting notices and alerting all employees of the employer's participation in E-Verify as well as any antidiscrimination protections in the state.¹⁶ One provision of HB 1744, which prohibited employers from using E-Verify, was overturned in federal court, and in 2009, Illinois passed an amended version of the law that created stricter standards regulating how employers use E-Verify including training, posting legal notices, and following antidiscrimination procedures.

California first passed AB 1236 in 2011 which, like Illinois' HB 1744, prevented state and local governments from mandating the use of E-verify. In 2015, the state passed AB 622 which expanded the reach of its worker protection provisions. This new law limits the use of E-Verify to those who have gotten conditional job offers but have not yet started work. Thus,

employers cannot use E-Verify on existing employees or those who have not yet received a conditional job offer. Finally, employers need to notify workers promptly if they cannot confirm their work authorization. The only exceptions to this law are positions whose employment rules are specified by federal law or mandated as a condition for receiving federal funds.

Looking beyond these two states, there is a larger trend away from restrictive laws on E-Verify. Twenty states in 2012 alone voted down bills that would have mandated the use of E-Verify in the state, suggesting a possible expansion of states in the future that limit the use of E-Verify.¹⁷

Best Practices. When drafting, framing, and building support for these laws, it is important to draw attention to their implications for limiting discrimination and protecting civil rights more generally. In both cases, Illinois and California passed multiple piecemeal anti-E-Verify laws, each time strengthening their protections against discrimination. Importantly, these policies are in compliance with federal law because they do not prevent employers from using E-Verify, and other federal laws that prohibit the employment of unauthorized workers still apply.¹⁸ Nevertheless, laws limiting the use of E-Verify can play a significant role in limiting employment discrimination against immigrant workers, and can help strengthen enforcement of labor standards.

Non-Cooperation: Trust Acts and Anti-Detainer Policies

Between 2011 and 2015, many jurisdictions have resisted cooperation with federal immigration officers by passing anti-detainer laws. An immigration detainer request is a formal notice by the US Immigration and Customs Enforcement (ICE) to federal, state or local law enforcement agencies of their intention to take custody of potential unauthorized immigrants. While the federal government can incentivize and encourage state and local compliance with ICE holds, they cannot force local officials to use their own resources and personnel to keep noncitizens in their custody.¹⁹ Two states—

17. National Immigration Law Center, *E-Verify in the States*, July 2012.

18. 8 U.S.C. § 1324 (making employment of unauthorized aliens unlawful, and providing federal employer sanctions scheme); 8 U.S.C. § 1373 (“a Federal, State, or local government entity... may not prohibit, or in any way restrict, any government entity or official from sending to, or receiving from, [federal immigration authorities] information regarding the citizenship or immigration status of any individual.”).

19. The federal court of appeals for the Third Circuit recently adopted this reasoning in holding that Lehigh County, PA, was not

15. <http://www.nilc.org/Illinois-model-policy-2008-10-29-ri.html>

16. <http://www.nilc.org/Illinois-model-policy-2008-10-29-ri.html>

California (2013) and Connecticut (2013)—have passed non-enforcement laws called Transparency and Responsibility Using State Tools (TRUST) Acts, which stipulate that officers can only enforce immigration detainers issued by ICE for persons convicted of serious crimes,²⁰ and hundreds of counties and cities have passed anti-detainer policies of their own.

These laws have had a notable impact. Deportations significantly decreased after the first year of California’s TRUST Act being enacted.²¹ For advocates, limiting state and local involvement in federal immigration enforcement is an important step in building welcoming communities. Not only has California enacted a state TRUST Act, but numerous counties and cities throughout the state have enacted anti-detainer policies, which often go much further than the state law in creating firewall protections for undocumented immigrants.

Best Practices. Advocates and policymakers have successfully framed these policies around universal concerns affecting the entire community, and using the language of civil rights (due process), nondiscrimination, community policing and safety. Advocates and government officials have also pointed to unresolved constitutional issues, including concerns about financial liability for subfederal jurisdictions that comply with detainers requests, as a rationale for detainer resistance.

Another important strategy has involved preserving room for innovation in a multiple-jurisdiction framework. The concern here is that innovation at one level of government might be stalled or preempted at another level of government. California’s TRUST Act, for example, set a floor limiting immigration enforcement in the state, but cities like San Francisco have gone much further in limiting cooperation with the federal government on enforcement. More generally, policy proponents should take care to avoid scenarios where a comparatively less innovative policy crowds out room for more innovative policies to take shape.

In our various convenings, many participants noted that “one size fits all” models are ill advised, particularly as jurisdictions can include different types of local institutions. For example, groups like the National Day Laborer Organizing Network (NDLON) have taken steps to create policies of non-cooperation at over 700 day labor centers throughout the country, and recently the Los Angeles Unified School District decided unanimously that immigration agents would not be

obligated to comply with an ICE detainer that resulted in the unlawful detention of a U.S. citizen: *Galarza v. Lehigh County*, No. 12-3991 (3rd Cir. Mar. 4, 2014) (holding that immigration detainers are requests and cannot be mandatory pursuant to the Supreme Court’s “anti-commandeering” interpretation of the 10th Amendment).

20. The Trust Act of 2013 Cal. Stat. 4650 (codified at CAL. GOVT CODE §§ 7282–7282.5 (West Supp. 2014))

21. Amy Taxin and Elliot Spagat, “California Immigration Holds Drop Significantly,” *Associated Press*, April 6, 2014.

allowed onto campuses to search for undocumented students, further limiting the scope of California’s cooperation on federal enforcement.²²

Finally, there are many moving parts to immigration enforcement, especially with overlapping jurisdictions and changing federal enforcement priorities. When we met, for example, government officials, advocates and researchers alike were unclear about the options available to state and local governments under the federal Priority Enforcement Program (PEP) announced in late 2014.

Office of Immigrant Affairs

At the state level, four states – California, Illinois, Massachusetts, New York and Michigan – have created agencies and offices dedicated to coordinating policy implementation, inter-agency coordination, and public outreach on state benefits for immigrants. Many cities also maintain local offices that serve similar functions: New York was the first to establish such an office in 2004 and, since then, 26 cities including Atlanta, Baltimore, Boston, Columbus, Chicago, Denver, Houston, Los Angeles, Nashville, San Francisco, and Seattle have all established similar offices.²³

Best Practices. Offices of immigrant affairs have the potential to serve as important “connective tissue,” facilitating the work of community organizations and government agencies alike. Many of these offices advise residents about their eligibility for government benefits, promote connections between community-based organizations and city government, and provide guidance to city agencies on how best to reach out to various immigrant communities, with in-language support and culturally competent outreach. More generally, these offices provide new opportunities for states and localities to convene, educate, advocate, coordinate activities, leverage resources, and develop policies to create welcoming communities for immigrants.²⁴

Driver’s Licenses

In early 2012, only three states—New Mexico, Utah, and Washington—allowed undocumented residents to apply for driver licenses. This changed after the Obama administration’s implemented Deferred Action for Child Arrivals (DACA) program in mid-2012. At first, all but two states offered licenses to DACA recipients, and a subsequent court order prompted Arizona and Nebraska to follow suit. The catalytic effect of DACA on driver licenses has also spread to more general expansion

22. Sonali Kohli, “ICE Agents Won’t Be Going onto Los Angeles Public School Campuses,” *Los Angeles Times*, February 9, 2016.

23. For a complete list, see USC Center for the Study of Immigrant Integration, *Opening Minds, Opening Doors, Opening Communities: Cities Leading for Immigrant Integration*, Appendix A.

24. *Ibid.*

of driving privileges, as 12 states, along with Washington, D.C. and Puerto Rico, now provide licenses to all residents regardless of their immigration status.²⁵ Of those 14 jurisdictions, 11 changed their policies in just the past three years. Further, other states, such as New York, New Jersey, Pennsylvania, and Massachusetts, are considering expanding access to licenses.²⁶

Best Practices. Our policy conversations identified several best practices for formulating driver's license policies. Investing in framing and messaging seems critical. California and other states framed the need for policy change around universal concerns such as workforce development and public safety. Researchers suggested, for example, that California's framing of AB 60 as improving traffic safety would be useful in other states because it appeals to more general concerns about community safety and can be supported with empirical data.²⁷

Advocates in many states were also able to argue that the broader provision of driver licenses would help increase car insurance coverage, which in turn would reduce the cost of auto insurance for all drivers. Some also noted that driver licenses can appeal to voters and legislators concerned with community safety, as they can operate as identity documents to facilitate interactions between immigrants and state agencies, including law enforcement. This potential use of driver's licenses as state identification cards, however, also point to the vital need to safeguard against profiling and discrimination, making it illegal for police to target and investigate drivers with new licenses for possible immigration violations.²⁸

Post-Secondary Schooling

The Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996 restricted states' ability to provide postsecondary education benefits on the basis of state residency, unless a U.S. citizen from another state would also be eligible for that benefit.²⁹ As early as 2001, California and other states began passing in-state tuition laws, and today, 24 states provide in-state tuition to undocumented students who attend an in-state high school for a specified period, usually between one and three years.³⁰ In 2014, California expanded its policy by allowing any combination of elementary and secondary schooling within the state to fulfill the three-year requirement for in-state tuition. Finally, in at least four states, college and university systems have passed their own policies granting in-state tuition to undocumented students.³¹

Best Practices. Employing universal and community-oriented frames and messaging is perhaps most easily done for education-related bills. This has been done successfully by focusing on children and workforce development as key frames. Additionally, packaging, timing, and sequencing are important dimensions to consider. While in-state tuition addresses important educational equity concerns for immigrants, states have also moved to grant undocumented students access to state and private sources of financial aid. Today, seven states provide undocumented students access to some form of aid, including scholarships and grants from state and private funds.³²

California has gone further than other states in the education arena by passing multiple laws that, over time, continues to close the higher education access gap between citizen and noncitizen students in the state. This is a kind of layering or staggered policy strategy that has proven useful in various immigrant integration policies. In 2011, the state passed two bills that make up the California Dream Act: AB 130 granted non-state funded scholarships for public colleges and universities; while AB 131 granted state-funded financial aid such as institutional grants, community college fee waivers, Cal Grants, and Chafee Grants. Further, in 2014, California passed SB 1210 establishing a State DREAM Loan Program for undocumented students at the University of California (UC) and California State University (CSU) systems.³³ On top of state level efforts, California colleges and universities have joined the national program, *TheDream.US*, to offer scholarships to low-income undocumented students.³⁴

Healthcare

Under the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996, noncitizens are ineligible for important federal health care benefits, including federally funded public benefit programs: Temporary Assistance for Needy Families (TANF), Food stamps, Supplemental Security Income (SSI), Medicaid and Children's Health Insurance Program (CHIP).³⁵ Further, individuals granted DACA status under President Barack Obama's 2012 executive order are also ineligible for these federal programs. The 1996 law, nevertheless, gave important decision making power to state governments on matters concerning noncitizen eligibility for jointly funded federal-state programs and state-only public assistance

25. Gulasekaram and Ramakrishnan, *The New Immigration Federalism*.

26. *Ibid.*

27. Summary of discussion at November 16, 2015 policy convening.

28. *Ibid.*

29. 8 U.S.C. § 1623(a).

30. Gulasekaram and Ramakrishnan, *The New Immigration Federalism*.

31. Hawai'i Board of Regents, Michigan Board of Regents, Rhode Island Board of Governors and Oklahoma Board of Regents.

32. "Table: Laws & Policies Improving Access to Higher Education for Immigrants." National Immigration Law Center. (accessed July 9, 2014).

33. http://www.ncsl.org/documents/immig/2014_Immig_Laws_by_State.pdf

34. Carla Rivera, "Two Long Beach Colleges Will Offer Dream Scholarships." *Los Angeles Times*, February 4, 2014.

35. 8 U.S.C. § 1601 et. seq.

programs, by requiring them to enact affirmative legislation granting access to noncitizens.³⁶

Twenty states currently have state-funded TANF alternatives to provide cash assistance to immigrants, and five states offer state-funded food assistance, all of which exclude undocumented immigrants.³⁷ States are also expanding health care to immigrant children and pregnant women. Today, twenty-seven states provide “legal” immigrant children access to CHIP, and five states—California, Illinois, Massachusetts, New York and Washington (and the District of Columbia)—provide children access to CHIP regardless of legal status. Thirty-one states provide “legal” immigrant women who are pregnant access to CHIP, and 16 states do so for women regardless of legal status.³⁸ These policies provide limited, emergency-only access to immigrants. California is the only state to provide full-scope health insurance to undocumented immigrant children, with other states proposing similar legislation.

In Massachusetts, both Mass Health Limited, a state version of Emergency Medicaid, and the Children’s Medical Security Plan, created in 1996 as a state-funded primary care and preventive services program for low income children, are available to undocumented immigrants. Similarly, in Nevada, a state wide nonprofit, Access to Healthcare Network (AHN), offers medical discount programs, specialty care coordination, health insurance, non-emergency medical transportation services, and a pediatric hematology/oncology practice to all immigrants.³⁹ New York offers similar emergency options to immigrants. However, beyond these limited forms of access, most states lack full-scope coverage to health insurance, with the unauthorized children in California as a notable exception.

Under the Affordable Care Act (ACA) of 2010, undocumented immigrants are excluded from insurance coverage provided through state health care exchanges like Covered California. In 2013 and 2014, California introduced bills to extend full Medi-Cal benefits to residents regardless of their immigration status, but failed to get them through the proposal stage. California has been able to grant Medi-Cal eligibility to low-income lawfully present immigrants as well as DACA beneficiaries by defining their status under the Permanently Residing in the U.S. under Color of Law (PRUCOL). Finally, private and locally-funded health programs such as Healthy

Way L.A. “Unmatched,” Healthy San Francisco, and Alameda County HealthPAC are available to immigrants regardless of legal status, providing benefits such as primary care, emergency care, mental health services, and prescription drugs. Thirteen California counties participate in the Healthy Kids program, an insurance program that is funded by both public and private sources, and that provides comprehensive medical, dental, and vision coverage to low-income uninsured county residents regardless of their legal status. Similar coverage to all immigrants is provided by the Kaiser Permanente Child Health Program, which offers premium subsidies for uninsured California children regardless of immigration status. This program currently covers thirty counties across the state.⁴⁰

In 2015, California made national headlines by providing all immigrant children access to full-scope Medicaid. It passed SB 75, a trailer budget bill extending full Medi-Cal eligibility to undocumented children under the age of 19, and SB 4, a bill that facilitated implementation of the health coverage expansion. The next step in health care expansion for California is the consideration of SB 10, which would direct the California Secretary of Health and Human Services to apply for a State Innovation Waiver under section 1332 of the Affordable Care Act, in order to allow undocumented immigrants, including adults, to buy Qualified Health Plans through Covered California.

Best Practices. In passing SB 75 and SB 4, advocates and policymakers emphasized different aspects of the “Health For All” message. Immigrant advocacy groups framed the issue as one involving rights to health care, while others stressed the fiscal benefits of preventive care for local governments and employers alike. The California Endowment (TCE) also played a significant role in getting the larger public to think about “Health For All”—not only with respect to health care expansion under the Affordable Care Act, but more generally in terms of building healthy communities that include all residents regardless of their immigrant status. TCE’s significant investments in framing, messaging, and advertising thus laid the public relations groundwork for California Senator Ricardo Lara’s own “Health For All Act.”

It is important to note that legislative victories on “Health for All” have been gradual and incrementalist, with expanded access to undocumented children as the first successful step. Importantly, this decision was born out of fiscal necessity: expanding health care access without federal government support is an expensive proposition, and it is unlikely that Governor Jerry Brown would have signed legislation with a significantly higher price tag.

36. 8 U.S.C. § 1622; 8 U.S.C. § 1621(d).

37. http://www.nilc.org/guide_tanf.html (Updated August 2015); http://www.nilc.org/state_food.html (Updated March 2014).

38. “MAPS: Health Coverage for Immigrant Children and Pregnant Women.” 2015. *National Immigration Law Center*. January 6. <http://www.nilc.org/healthcoveragemaps.html>.

39. Berlinger, Nancy, Claudia Calhoon, Michael K. Gusmano, and Jackie Vimo, *Undocumented Immigrants and Access to Health Care in New York City: Identifying Fair, Effective, and Sustainable Local Policy Solutions: Report and Recommendations to the Office of the Mayor of New York City*, The Hastings Center and the New York Immigration Coalition, April 2015.

40. Claire D. Brindis et al., “Realizing the Dream for Californians Eligible for Deferred Action for Childhood Arrivals (DACA): Demographics and Health Coverage | Center for Labor Research and Education” (Berkeley Labor Center, February 1, 2014), endnote 15.

Workforce Protections

Federal workforce protections cover all workers regardless of their immigration status, and include the Fair Labor Standards Act of 1938 (FLSA), Title VII of the Civil Rights Act of 1964, the Occupational Safety and Health Act of 1970 and the Migrant and Seasonal Workers protection Act of 1983.⁴¹ In fact, in the “We Can Help” campaign website, the Department of Labor expressly states that it “consistently has held that the country’s minimum wage and overtime law protects workers regardless of their immigration status.”⁴²

Nevertheless, federal restrictions also exist. Industry-specific restrictions exclude many immigrants from the FLSA, which has its origin in a racialized New Deal compromise that excluded agricultural, domestic service, retail and restaurants from coverage.⁴³ In addition, undocumented immigrants have recently lost federal workforce protections under the National Labor Relations Act of 1935 as a result of the Supreme Court, which held in *Hoffman Plastic Compounds, Inc. v. National Labor Relations Board* (2002) that undocumented workers were not entitled to back pay under NLRA. Other federal court cases—*Flores v. Albertson’s Inc* (2002) and *Liu v. Donna Karan International Inc.* (2002)—have ruled that *Hoffman* is not relevant to back pay under the FLSA.

Most important to consider is that workers in general are reluctant to exercise their rights, or simply do not know they have rights. While they may receive back pay from wage theft under federal protections, they bear a high risk. And if they are undocumented, they risk being deported. Despite all immigrants having federal workforce protections, there are no fire walls expressly decoupling labor law and immigration law to protect undocumented workers who exercise their federal labor rights.

While most, if not all, states provide some form of protection and recourse for workers, it is unclear whether or not undocumented immigrants are fully included. In addition, many employees fall through the cracks of existing state and local protections, and employer penalties for violations such as wage theft are often lacking. New York and California passed Wage Theft Protection Acts in 2011, requiring employers to provide each employee written notice of their wages, hours and working conditions. These laws also increased penalties and strengthened enforcement of laws protecting workers from nonpayment and underpayment of wages. A few states have also recently passed Domestic Worker Bill of Rights and

41. David Weil, “Broken Windows, Vulnerable Workers, and the Future of Worker Representation,” *The Forum* 10, no. 1 (2012)

42. Doline Hatchett. 2010. “US Department of Labor Statement on ‘We Can Help’ Campaign.” June 24. <http://www.dol.gov/opa/media/press/whd/WHD20100890.htm>

43. Janice Ruth Fine, *Worker Centers: Organizing Communities at the Edge of the Dream* (Ithaca: Cornell University Press, 2006), 158.

other laws that protect undocumented workers who report labor violations.⁴⁴

California is the only state so far that has passed laws expressly protecting undocumented immigrant workers, with three bills passing in 2013 alone. AB 524 expanded the definition for extortion to include a threat to report the immigration status or suspected immigration status of the threatened individual, or his or her relative or a member of his or her family. SB 666 empowered the California Labor Commission and courts to suspend business licenses for employers who retaliate against workers exercising their rights by threatening to report their immigration status. It similarly made it a “cause for suspension, disbarment, or other discipline for any member of the State Bar to report suspected immigration status or threaten to report suspected immigration status... because the witness or party exercises or has exercised a right related to his or her employment.”⁴⁵

In addition, AB 263 prohibited an employer from retaliating or taking adverse actions against employees or applicants, clarifying retaliatory actions as occurring if employers act against an employee within 90 days of the employee making a complaint, participating in a public investigation about working conditions, or attempting to unionize. It also protected workers from retaliation for changing their personal information, and entitled employees to reinstatement and reimbursement for lost wages. Furthermore, both SB 666 and AB 263 made employers subject to a civil penalty of up to \$10,000 per violation, and made retaliation a misdemeanor crime.

In 2014, California passed a “clean up” bill, AB 2751, that clarified some earlier provisions, including specifying that worker protections on updating personal information would be related to immigration-related documents. Two more laws were passed in 2015: SB 588—the “California Fair Day’s Pay Act”—gave the California Labor Commissioner tough new enforcement rights against employers who steal employees’ wages, and SB 623—the “Worker’s Compensation Equity for All” Act—ensured that all injured workers, regardless of legal status, receive workers compensation benefits from the Uninsured Employers Benefits Trust Fund or the Subsequent Injuries Benefits Trust Fund.

Best Practices. While states like New York and Massachusetts have taken steps to protect authorized immigrants, these states have yet to follow California’s footsteps expressly protecting undocumented workers. Nevertheless, the universal messaging behind California’s laws of workforce development, worker rights, and nondiscrimination can serve as models for states and localities considering such legislation. Moreover, the

44. *Ibid.*

45. Bill text: https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201320140SB666

timing, sequencing and packaging of California's laws from 2011 to present demonstrate, again, how a floor of protection can grow over time through a process of cumulating legal protections.

Timing and sequencing were also used to leverage research and advocacy in California to push for these new policies. In 2008, over 250 day laborers who had gathered in Los Angeles for the sixth National Day Laborer Convention identified wage theft as an important area of labor and civil rights; they voted to pursue local ordinances and state laws nationwide to combat wage theft. In 2009, three organizations with research as well as community credibility released the "Broken Laws, Unprotected Workers" report, casting new attention on wage theft in major cities across the United States.⁴⁶ Following this study and another report that pointed to particularly acute problems in Los Angeles,⁴⁷ NDLO coordinated with the UCLA Labor Center in 2010 to launch a campaign to combat wage theft. Under state law, the California Labor Commissioner is the primary enforcement body, and NDLO's coalition of advocacy organizations is conducting its own research and developing proposals for a local wage theft ordinance in Los Angeles, one that will create a local agency to enforce state and local laws.

Finally, enforcement is a particularly salient concern when it comes to worker protection. Federal, state and local workforce laws are currently enforced on a case-by-case basis. An employee must first report a work place violation before the Labor Commission investigates and takes action on non-compliance. Advocates, particularly in California, argue that enforcement can become more strategic and proactive by developing a multi-jurisdictional approach that draws on state, local and grassroots resources. By integrating formal political institutions and advocacy organizations on the ground, a more comprehensive oversight system can monitor and strategically target specific industries/employers with high records of abuse, adding significant capacity for enforcing existing policy.

Professional Licenses

In 1996, IIRAIRA generally prohibited states from conferring a "public benefit," including a professional license, to an unauthorized immigrant unless the state affirmatively enacted a state law providing the benefit after 1996.⁴⁸ Two states—California (2013) and Florida (2014)—passed laws expressly allowing the state bar to admit qualified undocumented immigrant applicants to practice law. New York has failed to

pass similar legislation, but in 2015, the State Supreme Court ruled that DACA recipients could practice law in the state without the need for any new state law affirming this benefit.⁴⁹ In 2014, California expanded access to professional licensing even further, passing SB1159 into law requiring "all 40 licensing boards under the California Department of Consumer Affairs to consider applicants regardless of immigration status by 2016."⁵⁰ While these state laws expand who is permitted to have certain professional licenses, undocumented immigrants still face federal prohibitions that would prevent employers from hiring them without obtaining employment authorization or benefitting from a change in federal law.⁵¹ Nevertheless, even without federal reform, such professional licensees can be self-employed, work on a pro bono basis, or practice in a foreign country. Under these new state laws, undocumented immigrants are able to practice in their profession by using a federal individual tax identification number (ITIN) rather than a social security number.

Best Practices. For many of the integration policies, advocates and policymakers have employed universal messaging strategies, like nondiscrimination and public safety, to appeal to voters and legislators alike. On professional licenses, these universal appeals tend to focus on workforce development and wage equality. However, some advocates also see value in trying less public strategies to push for policy innovation, particularly in contexts where voters may be less sympathetic to the concerns of immigrant residents and workers.⁵²

Lessons Learned: Best Practices in Policymaking

What are common best practices across these state-level immigrant integration laws? Our review of the literature and our policy convenings suggest a few common themes: 1) prioritize the local concerns of immigrants, 2) appeal to a broader sense of community, 3) focus on piecemeal legislation to gain a foothold, and 4) build momentum by carefully selecting and sequencing legislation.

Participants frequently mentioned the *need to prioritize the local concerns of immigrants* when formulating new policies.⁵³ Many advocacy organizations work with grassroots activists and seek to amplify the ideas and concerns expressed within their local communities. People in these local communities, in turn, often take time away from work and their families, to join forces with immigrant advocacy organizations to pressure politicians and

46. Annette Bernhardt et al., "Broken Laws, Unprotected Workers: Violations of Employment and Labor Laws in America's Cities" (New York: National Employment Law Project (NELP), 2009).

47. Ruth Milkman, Ana Luz González, and Victor Narro, "Wage Theft and Workplace Violations in Los Angeles: The Failure of Employment and Labor Law for Low-Wage Workers," *UCLA Institute for Research on Labor & Employment*, January 1, 2010.

48. 8 U.S.C. § 1621(d).

49. Liz Robbins, "New York Court Rules for Immigrant in Fight to Become Lawyer." *New York Times*, June 4, 2015.

50. Josie Huang, "Immigrants without Legal Status Able to Apply for Professional Licenses in CA," *Southern California Public Radio*, September 29, 2014.

51. Jennifer Medina, "Allowed to Join the Bar, but Not to Take a Job," *The New York Times*, January 2, 2014.

52. Summary of discussion at November 16, 2015 policy convening.

53. *Ibid.*; also expressed in January 22, 2016 Sacramento convening.

mobilize in support of policy initiatives. Thus, many organizations felt that it is important for those involved directly in the movement to have real ownership and investment in policy proposals.⁵⁴

Another consistent message was the need to frame immigrant integration policies in ways that appeal to a *broader sense of community*. This has been done by emphasizing how a policy will advance workforce development, public safety, community policing, state and local economies, and educational outcomes. At the same time, messaging in immigrant communities and communities of color would benefit from additional attention to frames that invoke civil rights and non-discrimination. Another best practice is to pair policies intended to expand immigrant access to new resources and benefits with “fire-wall protections” that can prevent harmful consequences from the use of new information. For example, California’s driver license law included a non-discrimination provision, and its workforce laws greatly limit how employers can use E-Verify to check for employees’ immigration status. These safeguards provide a foundation for immigrants to benefit from a range of state-level policies.

Another important question is whether immigrant integration policies should be formulated in a comprehensive or piecemeal manner. While there may be advantages to an omnibus strategy at the federal level, there are *important political and policy advantages to formulating state integration legislation in a piecemeal manner*. The California Package has taken shape over many years, with each successive policy adding to the existing range of rights and benefits given to immigrants. These policies would never have gotten passed in an omnibus manner. The contrast between New York and California is particularly instructive in this regard. In 2014, the New York state legislature considered an omnibus bill, the New York is Home Act. This bill would have allowed undocumented immigrants the right to vote in state elections, hold state office, qualify as recipients for Medicaid coverage, seek the protection of all state laws, and be eligible to receive professional licensing, tuition assistance, and driver licenses.⁵⁵

While this comprehensive proposal far exceeds other states’ level of inclusion, it is not a politically viable policy option. Furthermore, fiscal considerations often limit the viability of omnibus bills that expand access to benefits. Thus, for example, California is addressing full-scope health coverage for immigrant children and adults separately, largely because its omnibus form proved too costly and too challenging (from a policy feasibility perspective) to pass as one bill.

Piecemeal policymaking is thus a strategic choice, one that has been successfully implemented in California. Given this approach, advocates and policymakers further point out the importance of *carefully selecting and sequencing* a small set of individual policies to draft for each legislative session. It is also important to consider the most effective and viable policy venues to target for legislative change (national, state, or local), as well as the relationship between new measures and those passed in prior years.

Our review of the literature and our policy convenings suggest a few common themes: 1) prioritize the local concerns of immigrants, 2) appeal to a broader sense of community, 3) focus on piecemeal legislation to gain a foothold, and 4) build momentum by carefully selecting and sequencing legislation.

The Unfinished Agenda

Despite progress on different types of policies, the work of immigrant integration in California is far from complete. Arguably, this will always remain true in the absence of immigrant legalization at the federal level. In our policy convening in Sacramento, organizations identified several key areas deserving legislative attention in the short term and long term. California’s AB 60 granted driver licenses to undocumented immigrants, but not California IDs, and only a few local jurisdictions like San Francisco, Oakland, Richmond and Los Angeles currently offer City IDs to undocumented residents.⁵⁶ This key gap in identification documents has yet to be filled, leaving undocumented residents from accessing important services like banking, as well as the ability to establish their identity when stopped by law enforcement (for those without driver’s licenses).

Another important gap is voting. Between the early 1800s and early 1900s, many states and localities granted noncitizens the right to vote, as they saw it as an important way to attract immigrant residents. Since statehood, however, California has always required voters to be U.S. citizens. While a return to immigrant voting rights requires heavy lifting, especially as an important feature for our contemporary notion of citizenship, a few localities in other states have succeeded. In 1968, New York City passed the first local law in the country allowing non-citizen parents of schoolchildren the right to vote in community school board elections and to hold office on school boards; however, school boards were eliminated in 2003 as part of Mayor Michael Bloomberg’s reform of the education system.⁵⁷ Chicago, Illinois, Cambridge and Amherst, Massachusetts, and

54. Summary of discussion at November 16, 2015 policy convening.

55. Josh Eidelson, New York State Mulls Citizenship for Undocumented Workers, *Bloomberg BusinessWeek*, June 16, 2014.

56. On municipal IDs, see Els de Graauw, “Municipal ID Cards for Undocumented Immigrants: Local Bureaucratic Membership in a Federal System.” *Politics & Society* (2014)

57. Ron Hayduk, Democracy for All: Restoring Immigrant Voting Rights in the U.S. (New York, NY: Routledge, 2012).

six municipalities—Takoma Park, Barnesville, Garrett Park, Glen Echo, Martin’s Additions and Somerset—in Maryland, grant resident undocumented immigrants the right to vote in local elections.

Many voter initiatives have been proposed in the most progressive localities of California, including San Francisco, but they have yet to pass. California advocates are continuing to organize throughout the state to develop voter initiatives. Legal scholarship offers some guidance for states like California by examining how Maryland, a state with a similar state constitution, has permitted municipalities to grant noncitizens voting rights in local elections.⁵⁸ In both instances, the courts have interpreted the states’ constitutions as limits on state level voting, and not limits on local-level voting. Thus, expansions could take place in charter cities and special districts without requiring amendments to the state constitution.

On health care, as we highlight on Page 8, much work still needs to be done in California. In 2016, advocates are pushing to expand health care to adults through SB 10, which would direct the California Secretary of Health and Human Services to apply for a State Innovation Waiver under section 1332 of the Affordable Care Act, in order to allow all undocumented immigrants to buy Qualified Health Plans through Covered California. More work needs to be done regarding other gaps in health care that restricts access to authorized immigrants, such as cash assistance and food assistance programs. Finally, while California has taken really important steps on workforce protections, its Domestic Worker Bill of Rights does not expressly protect undocumented immigrants. Continuing to expand worker protections in ways that encompass all immigrants, and to enforce these laws, will likely remain a long-term challenge for advocates and policymakers.

BEST PRACTICES IN POLICY IMPLEMENTATION

A few key themes with respect to policy implementation emerged in our research and policy conversations: 1) adequate government infrastructure, 2) connecting grassroots organizations with implementation funding opportunities, 3) paying attention to timing and sequencing of policies, and 4) documenting policy impact.

Ensuring adequate government infrastructure is crucial for policy implementation. There are a limited number of policies that can pass each legislative year, and since organizing broad coalitions needed to secure new pro-immigrant legislation, it is critical to think about how well each policy can be implemented. For example, significant financial and administrative resources went into implementing California’s AB 60 (2013), which granted undocumented immigrants driver licenses. Cali-

fornia opened offices throughout the state to implement driver license expansion, and the state had support from an extensive network of advocacy organizations to help provide vital information and resources directly to immigrant applicants. To support this network, \$100,000 went to local groups to aid in implementing AB 60 driver licenses.⁵⁹ State level officials describe the need for building a strong government infrastructure for effective policy implementation, which includes ensuring adequate funding, staff, and research.⁶⁰

A common concern on program implementation is placing value in existing infrastructure and resources to employ new policies. At the state and local levels, an Office of Immigrant Affairs is one example for establishing some oversight on policy implementation. Local services like legal services, DREAM resource centers and day labor centers can also facilitate affected individuals’ access to new rights and benefits.

There is an organic, local nature to the implementation of some policies.⁶¹ For example, on workforce laws, funding day labor centers that have regular interactions and trust among undocumented workers will greatly strengthen new policies already passed in California to protect undocumented workers. As a best practice, then, it is important to *connect grassroots organizations with funding opportunities* in the policy implementation process. By partnering to enforce new laws, state and local officials can benefit from the intangible resources of grassroots organizations, such as daily interactions and a history of trust with immigrants.

Funding can also be directed to non-traditional groups. Remaining flexible and creative in deciding who carries out implementation and where financial resources are directed can expand the overall network, while also making efficient use of local grassroots networks.⁶²

Unions, worker centers and advocacy organizations have historically functioned as trusted intermediaries for undocumented workers to report employer abuses.⁶³ With laws now being enacted that expressly grant immigrants’ rights and make employers liable for abuse, these same entrepreneurs can be used strategically to implement state and local policies. Similarly, information sharing strategies through social media and “Web 2.0” services can be developed for vulnerable groups to report abuses and violations.

Timing and sequencing the rollout of new policies is important to consider, even in states like California with a vast infrastructure. While City IDs have been successful in places like San Francisco, Oakland and New Haven, LA’s City ID (2012) was largely

59. *Ibid.*

60. *Ibid.*

61. *Ibid.*

62. *Ibid.*

63. Janice Ruth Fine, *Worker Centers*.

58. Tara Kini, “Sharing the Vote: Noncitizen Voting Rights in Local School Board Elections,” *California Law Review* 93, no. 1 (January 1, 2005): 296.

unsuccessful and did not get implemented.⁶⁴ Officials explain that in Los Angeles, the primary frame to promote and pass the City ID focused on providing homeless in the city with access to identification documents in their interactions with law enforcement. A banking component to the ID was proposed, but failed to pass because the city's Economic & Workforce Development Department opposed such expanded functionality. Equally important to the failure of the ID being widely implemented was poor timing: LA's City ID was implemented simultaneous to AB 60, which led to the City ID taking a back seat and being underfunded.

To gain the most value of implementation, *documenting policy impact* is especially important. On this point, researchers highlight that, while AB 60 was a huge policy success in California, it had important implementation weaknesses. Namely, communities benefiting the most and the least from AB 60 remain unclear; its implementation did not include a research strategy to capture data on the policy's rollout and impact. This information is invaluable for strategizing ways to increase the total lives reached and benefiting from new policies.

Further, showing real policy benefits for communities can serve as a critical selling point for messaging and framing on other initiatives. Information is leverage. Policies can have significant effects on the economy, public health and safety, and demonstrating these effects requires planning for strategic research during early implementation stages. Additionally, some policies may provide benefits to more immigrants than others, and documenting scope, eligibility, fraud and other outcomes will be important for determining policy selection in the future. As many advocates note, policies do not matter if they do not bring real benefits to the lives of people.⁶⁵ This can easily go unnoticed without research during implementation.

Some advocates noted that, while implementation receives significant attention in California, it has not been a priority in many other states passing policies.⁶⁶ Filling this implementation gap will be important moving forward.

BEST PRACTICES TO BUILD MOVEMENT CAPACITY

Building Local Coalitions

Local dynamics must be taken seriously. This recommendation seems obvious when discussing immigration reform at the state and local level. Perhaps the first place to build local coalitions are major metropolitan areas that have a critical mass of immigrant residents, service providers, and advocacy groups. These local hubs play an important role in state immigration policies, since they can provide safe havens for immi-

grants during times of restrictive activity, and often help drive state-level policy change in a pro-integration direction. That is one of the central lessons that emerges out of the California experience, where cities like San Francisco and Los Angeles served as important defenders of immigrant rights during times of statewide restrictive activity, and helped build movement support for pro-integration policies after 1996. Similar dynamics can be seen today in major cities like Seattle, Chicago, New York, and Atlanta.

Another part of taking local dynamics seriously is recognizing political environments where “strange bedfellow” coalitions can be formed by joining Republicans and Democrats to support shared interests on particular policies that aid immigrant integration. Not only can these strange bedfellow coalitions transcend parties, they often also include state and local chambers of commerce, agribusiness, religious institutions, and law enforcement leaders—groups that typically do not work with each other.⁶⁷ Civil rights organizations in rural areas can also make a big difference, as is evident in Mississippi, where the NAACP has led on issues of immigrant rights, incorporating them into a larger push on civil rights and social justice.⁶⁸ Finally, while California's overall political climate may look very different from those of other states, there are important lessons that can be gleaned from more politically conservative areas of the state such as Orange County, the Central Valley, and Inland Southern California.⁶⁹ It is important to recognize, however, that policy solutions that emerge from these kinds of places will need to have broad appeal, involving some combination of compromises, coalition building, and universalistic framing.

Expanding the Coalition By Including Other Issues

Another important strategy is expanding advocacy coalitions by using broad messaging to link disparate groups together. For example, in one of our meetings, some participants noted that the Black Lives Matter movement faces similar issues of marginalization, enforcement, and violence against communities.⁷⁰ It is not only important to employ these shared concerns faced by each community, but also to use these bridges to engage in shifting communities of color concerns more generally on immigration and immigrant integration. Highlighting the “Not One More” Campaign, researchers noted that the immigrant rights movement can become part of a larger community and civil rights movement by joining forces on shared issues.⁷¹

It is also important to explore opportunities to build diverse networks through trusted mainstream partners like schools and libraries that serve immigrant clients, or with business and in-

64. Summary of discussion at November 16, 2015 policy convening.

65. *Ibid.*

66. *Ibid.*

67. *Ibid.*

68. *Ibid.*

69. *Ibid.*

70. Summary of discussion in January 22, 2016 Sacramento convening.

71. *Ibid.*

dustries, such as agriculture and construction, that rely heavily on immigrant workers.⁷²

Healthcare is also often viewed as a strategic opportunity for mobilizing on immigrant integration. When the Affordable Care Act (ACA) of 2010 passed, advocates in California had the foresight to link the national movement on health care for all *citizens* to a state-level effort expanding health to *all residents*, including undocumented immigrants.⁷³ Foundations like The California Endowment played a central role in supporting the organizational and framing infrastructure linking immigrant rights to health care access. Already, the foundation had invested heavily in 10 “building healthy communities” sites across the state, tying improvements in health outcomes to improvements in an array of community-wide social, economic, and civic indicators.⁷⁴ Then, in 2013, the Endowment announced a “Health for All” campaign specifically aimed at closing gaps in coverage left unaddressed by the Affordable Care Act.

There were other advantages to focusing on health care in California that may prove useful in other states. Several advocates noted that, because lack of health care access disproportionately affects communities of color, it was possible to effectively frame health care as a fundamental right for all residents. Discussions of health care access also served as a type of gateway issue to introduce allied partners to a broader range of issues faced by the undocumented community. Moreover, lessons on how to effectively utilize social media around healthcare (e.g., reacting quickly, polling, framing and messaging) can serve as a model for other initiatives.⁷⁵

Finally, long-term financial investments are critical to building sustainable coalitions for immigrant integration. This was perhaps most apparent with place-based investments like those pursued by The California Endowment, the James Irvine Foundation, Haas Jr., and other funders, supporting a broad network of community partners across various regions that could promote not only immigrant integration measures, but many other issues affecting disadvantaged communities.⁷⁶

Networking & Building Connective Tissue

Networking takes work and practice. In California, there are several large hubs of nonprofits and community organizations from San Diego and Los Angeles to San Jose and San Francisco, and these hubs have been effectively used to build networks that link advocacy organizations, policy leaders and

funding opportunities across the state.⁷⁷ Thinking about how to build this connective tissue is critical. New York City is a large hub in New York state, but advocates bemoan the lack of a robust statewide network such as the one in California. In our strategic convenings, participants noted that early planning on these statewide networks is critical. First, it is important to make choices about the types of organizations that advocates want to include in these larger networks. Moreover, it is important to identify foundations that can support the long-term work that is needed to build and sustain these networks. Thus, for example, a coalition of immigrant rights funders in California came together and agreed on a long-term funding strategy to build a statewide network of immigrant-serving organizations, with a strong presence in large, progressive cities like Los Angeles and San Francisco but also in newly growing areas like the Central Valley and Inland Southern California.⁷⁸

In addition to building these cross-regional networks within a state, it is also important to build connections across states and localities. Past experiences suggest, however, that building these cross-state networks can be challenging. Unlike the American Legislative Exchange Council (ALEC), a well-funded conservative organization that drafts and shares model legislation across states on a range of issues, progressive organizations have not enjoyed similar success. This imbalance is not for lack of effort: there have been various attempts to coordinate legislation across states, including Progressive States Network (PSN), ALICE, and Center for State Innovation, which recently came together under a new organization called the State Innovation Exchange (or SiX). However, these progressive organizations do not enjoy nearly the same amount of funding (ALEC has consistently received generous funding from the corporate sector which seeks business-friendly legislation across all states) or membership (there are many more legislatures controlled by conservatives than by progressives). Our prior work has also suggested a cultural difference between conservative and progressive groups on immigration that are active across states: conservative groups are open to model legislation being coordinated centrally and replicated across states, while pro-integration organizations are more reluctant to “parachute in” to states, opting instead to wait for statewide networks to form and initiate the request for outside assistance.⁷⁹ Currently, the only organizations trying to diffuse pro-integration policies across states are the National Immigration Law Center (NILC) and rights groups like NDLO. SiX connects states on issues such as criminal justice, policing reform, gun violence, and climate reform, but has not yet taken up immigrant integration as a priority issue.

72. Summary of discussion at November 16, 2015 policy convening.

73. *Ibid.*

74. Manuel Pastor, Jennifer Ito, and Anthony Perez, “There’s Something Happening Here: A Look at The California Endowment’s Building Healthy Communities Initiative,” USC Program for Environmental and Regional Equity. (February 2014)

75. *Ibid.*

76. *Ibid.*

77. *Ibid.*

78. Cathy Cha, “Lessons for Philanthropy from the Success of California’s Immigrant Rights Movement” *Responsive Philanthropy*, Winter 2014.

79. Gulasekaram and Ramakrishnan, *The New Immigration Federalism*.

Finally, there are emergent efforts to connect cities and coordinate efforts. Cities United for Immigration Action (CUIA) connects nearly 100 mayors and municipalities leading the effort to support stronger, safer and more economically prosperous cities and counties through initiatives to welcome new immigrants and advance CIR.⁸⁰ This network could play a greater role in policy diffusion in the future. In May 2015, for example, twenty-four cities reached out to the mayor of New York inquiring about City IDs.⁸¹ Building and supporting the work of efforts like CUIA and organizations like NILC and SiX will be critical to ensuring policy diffusion across states and cities.

Coalitional Stability

A big concern for advocates is creating stability and momentum that can withstand changes in political leadership. Ideally, strong networks would exist as in California to easily connect with new political officeholders and administrators. However, in locations lacking dense networks, a shift in who officeholders like governors and mayors can have significant consequences, especially given their veto authority and central influence over budgets. A best practice identified by advocates in cities outside of California is to create institutions and programs requiring personnel and funding that make it hard to reverse or scale back programs, even during moments of change in leadership.⁸² They also highlight that it is also important for advocacy organizations to be flexible in working with new administrations.⁸³

Even in cities like Los Angeles and San Francisco, where dense and powerful immigrant advocacy networks are in place, advocates are pushing for new ways to further solidify a foothold in well-established infrastructures such as libraries, day labor centers, youth centers, community based organizations and centers, workforce centers.⁸⁴ The creation of state and citywide commissions can also help create stability, complementing the work of immigrant affairs offices. San Francisco provides a helpful example in this regard, with the creation of the Immigrant Rights Commission (IRC) in 1997. The commission consists of fifteen voting members, eleven who are appointed by the Board of Supervisors and four who are appointed by the Mayor, each serving for a term of two years. The primary purpose of IRC is to advise the Mayor and Board of Supervisors on issues and policies related to immigrants who live or work in San Francisco. While city officials may change, the IRC remains intact, creating important long-term stability for San Francisco's larger project of immigrant integration.⁸⁵ Of course, commissions cannot wield power by themselves.

Their influence often depends on their ability to draw political support from elected officials, constituents, and community organizations, and the larger nonprofit sector.⁸⁶ Nevertheless, immigrant commissions add another layer of institutional support and completeness, creating a more robust ecosystem for immigrant incorporation.

Voting Power

In our discussions, some researchers pointed out that California is relatively unique in the extent to which immigrants wield electoral power, although others noted that immigrants elsewhere have compensated for smaller numbers by building electoral coalitions with key partners.⁸⁷ Nevertheless, there was broad agreement on the need to increase voter registration among first- and second-generation immigrants and to build the base of immigrant-friendly voters before proposing legislation or placing measures on statewide ballots.

Participants also believed that electoral mobilization requires focusing on national politics as well as state-level policy dynamics. The increase in nativist rhetoric in national politics, for example, provides an important opportunity and need to register and mobilize immigrant voters, with benefits that might redound to state-level policies in the future. In addition to nativist politics at the national level, the importance of DACA and DAPA might also help to mobilize immigrant voters. For example, researchers have studied the potential electoral impact of DACA-affected voters, totaling about 1.5 million voters in 2016.⁸⁸ Researching and implementing strategies to mobilize first- and second-generation immigrant voters can thus be very helpful in the long-term strategy of creating sturdy electoral coalitions for immigrant integration at the state level.

Finally, advocates highlight California and Oregon's recent automated and automatic voter registration laws, respectively, as best practices for improving immigrant voting power.⁸⁹ When people go to the DMV to obtain or renew a driver's license in California, they will be asked to affirm their eligibility to vote and will be given the choice of opting out. This information will be electronically transmitted to the Secretary of State, which will subsequently verify eligibility status and add names to the voter rolls. Oregon's law goes even further, making the voter registration automatic upon driver's license issuance or renewal, and subsequently offering registrants the opportunity to opt out. Either way—with automated or automatic voter registration—these states are preserving the integrity of the voter registration process by verifying eligibility,

80. <http://www.nyc.gov/html/imm/html/initiatives/cuia.shtml>

81. Summary of discussion at November 16, 2015 policy convening.

82. *Ibid.*

83. *Ibid.*

84. *Ibid.*

85. *Ibid.*

86. Els de Graauw, *Making Immigrant Rights Real: Nonprofits and the Politics of Integration in San Francisco* (Cornell University Press, 2016)

87. Summary of discussion at November 16, 2015 policy convening.

88. Manuel Pastor, Tom Jawetz, and Lizet Ocampo, "DAPA Matters: The Growing Electorate Directly Affected," Center for American Progress and USC Center for the Study of Immigrant Integration, Nov 2015.

89. Summary of discussion at November 16, 2015 policy convening.

while at the same time, making voter registration as easy as possible and increasing the pool of adult citizens who can be mobilized for get-out-the-vote (GOTV) efforts.

Defense or Offense?

Another strategy that participants discussed in two of our meetings was the relative merit of playing defense or offense on state-level policies. When restrictionist laws were gaining momentum between 2005 and 2010, pro-integration groups had no choice but to play defense—several organizations filed lawsuits against states and municipalities, while other organizations tried to build coalitions to prevent even more restrictive measures from being proposed.⁹⁰ Starting in 2010, however, many of these organizations started pushing for their own legislation instead of simply reacting against restrictionist state legislation, although in many instances these legislative pushes were made against new forms of federal enforcement such as the Secure Communities program. Finally, the period after 2012 saw a bigger push for pro-integration legislation at the state level, as the Supreme Court placed severe limits on state enforcement laws in its 2012 *Arizona v. United States* decision, and as many pro-integration advocates began to realize that comprehensive immigration reform at the federal level might not occur for many more years to come.⁹¹

Some participants noted that “playing offense” on pro-integration policies might have political benefits as well as policy benefits, as it would put restrictionists on the defense, much like Kris Kobach did during the heyday of state-level restrictionist legislation.⁹² At the same time, blowback against pro-integration policies might be stronger than blowback against restrictive legislation, particularly as the former can exploit fear and anxiety among conservative and moderate voters. Indeed, the backlash in New York state against state driver’s licenses in 2007 and even more far-reaching legislation in 2014 suggests strong limits to the strategy of using pro-integration legislation to put restrictionists on the defense.

Messaging and Framing

Finally, messaging and framing are often viewed in the context of particular policy campaigns, as we noted in our discussion of TRUST Acts (page 6), driver’s licenses (p. 7), health care (p. 7), and professional licenses (p. 10). At the same time, the California experience from the past decade shows that investments in messaging can also play an important role in helping to build and sustain movements. When California foundations first invested in research and training on messaging, the state advocacy infrastructure was relatively fragmented and the political climate was not conducive for passing pro-integration legislation. Even if the political climate were conducive, the

immigrant rights movement might not have agreed on legislative priorities, tactics, end-goals, and strategy.⁹³

Investments in messaging and framing made a critical difference in helping to build a statewide movement. First, getting organizations to building their research and skill sets did not require them to agree immediately on any particular policy agenda. At the same time, the foundational research on messaging helped to connect the grass tops with the grassroots, making sure that any future policy attempts would address the needs of local communities, while at the same time be framed in a way that could build legislative coalitions. Thus, investments in messaging helped to lay the groundwork for future policy agreement, not only across different types of organizations but also between the grassroots and the grass tops. Finally, investments in messaging helped to strengthen organizational capacity and visibility in exurbs and rural areas by giving them the opportunity to advance their interests in local media markets and in conversations with state legislators. Thus, investment in messaging and framing proved critical to building a movement that was broad based, cross-regional, and connecting local needs with statewide legislative strategies.

This strategy—of patient investments in messaging across various regions in a state—may be particularly useful in many states today, including New York, Maryland, Illinois, and Massachusetts, where the state political climate might not yet be ripe for a new push on immigrant integration policies. Indeed, there are reasons to think that a broad-based strategy in messaging as part of movement-building can help to make political conditions more conducive in the medium term.

Finally, when it comes to best practices on messaging, participants noted that it was critical to make sure that messages were rooted in the experiences of local communities, and to build on deep-seated values of civil rights, the inherent worth of immigrants and the various ways they contribute to state and local communities. Good, targeted research is also important, with best practices on empirical research such as focus groups, followed by field testing with randomized experiments, re-calibration, and re-testing.

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This kind of applied research is particularly important in advance of major events like state and national elections, as well as the introduction of new ambitious policies.⁹⁴ Indeed, all types of messaging strategies, like value-based messages, risky

90. Gulasekaram and Ramakrishnan, *The New Immigration Federalism*.

91. *Ibid.*

92. Summary of discussion at November 16, 2015 policy convening.

93. *Ibid.*

94. *Ibid.*

messages, and media-oriented messages, need to be empirically tested before they are put into large-scale use.

RESEARCH FOR POLICY ENTREPRENEURS

What are the intersections between research and policy-making, and how can researchers engage with and contribute to current policy efforts? Participants in our convenings identified several ways in which applied research could help policy innovation on immigrant integration. For example, many states and localities are trying to attract and integrate immigrants. There is also considerable diversity across states and localities in partisanship and the size of immigrant coalitions. Some states face budget crises, while other states do not. The presence or absence of allied groups, such as labor and civil rights organizations, can also make a difference. Researchers can document these settings, create typologies when necessary, and analyze the opportunities and barriers in each type of setting.

As we show in this report, California has done a great job in sequencing its legislation. A best practice in community-engaged research, then, would be to present data and research on the settings and sequencing of policymaking, with the goal of providing accessible roadmaps for advocates and legislators, and to develop targeted policy initiatives through modeling and diffusion. For example, USC's Center for the Study of Immigrant Integration (CSII) produces scorecards measuring how well counties in California score on immigrant integration, looking specifically at policies that improve the economic and civil incorporation of immigrants and create a generally open and welcoming environment for immigrants. This has great utility for all involved, spotlighting policy models and common agendas in regions throughout the state.⁹⁵

This kind of research can be the first step in a multi-stage process where community organizations, funders, and researchers collaborate to advance policy innovation. Thus, in addition to synthesizing data, community-oriented policy research can: 1) build typologies and policy models, 2) systematically test framing and messaging strategies, and 3) develop context-sensitive measures to study policy impacts (especially longitudinal and cross-case measures that facilitate comparative and quantitative analysis).

Researchers can also bring an important level of credibility to policy analysis in the eyes of many stakeholders, including legislators, government agency officials, funders, and news organizations. For example, many states have part-time legislatures with little research capacity, and the bulk of policy work is left to staff in task forces and interim committees. Building relationships between researchers and these key staff, or to particular legislative champions can play a critical supporting

role in crafting innovative policies. Indeed, once legislators are on board or have partnered to support a bill, research can help to build credibility and support among relevant interest groups and among colleagues in the legislature.⁹⁶

In many jurisdictions, policymakers desire research that is as unbiased as possible, and that is easily understood by lay audiences. One such example, highlighted by many participants in our November convening, is the comprehensive report on immigrant integration by the National Academies.⁹⁷ The report measured a range of individual and community well-being outcomes such as educational attainment, occupational distribution, language ability, residential concentration, and health to explore patterns of integration. Researchers did not ask political questions such as whether the United States should provide a path to legalization, which helped in making it relevant for a wide variety of policy audiences.⁹⁸ Lastly, the large scale of the national academies' report give it more weight than other unbiased reports.⁹⁹

Researchers can also bring an important level of credibility to policy analysis in the eyes of many stakeholders, including legislators, government agency officials, funders, and news organizations.

Finally, research can also go beyond producing accessible information for policy entrepreneurs; it can also lead to innovations in the very generation of policy ideas and their translation to legislative vehicles. On the restrictive end of anti-immigrant state and local legislation, legal scholars have played an especially important role in shaping the content and framing of new policies. Expertise in areas of immigration federalism, constitutional law, and history can thus reveal ways in which pro-immigrant integration policies can be further expanded. Indeed, legal clinics at a few law schools have already embarked on this path towards policy innovation; perhaps the most famous example is the involvement of Yale faculty and students in helping to create the first municipal ID program in the country.¹⁰⁰ Law clinics have also been critical to the formulation of detainer resistance laws, and have also helped to clarify legislation on professional licensing. Moving ahead, greater collaboration between legal researchers and social science researchers hold the promise for even greater policy innovation on immigrant integration.

96. Summary of discussion at November 16, 2015 policy convening.

97. Mary C. Waters and Marisa Gerstein Pineau, eds., *The Integration of Immigrants into American Society* (Washington, D.C.: National Academies Press, 2015), <http://www.nap.edu/catalog/21746>.

98. Summary of discussion at November 16, 2015 policy convening.

99. *Ibid.*

100. Kaitlin Thomas, "One Law Clinic, Two Cities," *Yale Law Review* (Winter 2008).

95. http://dornsife.usc.edu/assets/sites/731/docs/California_web.pdf

Table 2. Differential Policies: Heavy Lifting or Lighter Lifting?

Policy	Implementation Barriers				Few Barriers	
	Heavy Lifting					Lighter Lifting
	Politics	Funding	Organization Capacity	Long-term Enforcement		
Non-Cooperation Laws						
TRUST Act	√					
Anti-E-Verify Laws	√		√	√		
Local Anti-Detainer Laws					√	
Office of Immigrant Affairs		√	√			
Driver Licenses			√			
Post Secondary Education						
In-State Tuition					√	
Financial Aid						
Health Care						
Full-Scope State Medicaid for Children	√	√	√			
Full-Scope State Medicaid for Adults	√	√	√			
State Funded TANF					√	
State Funded Food Assistance					√	
Medicaid/CHIP for Children					√	
Medicaid/CHIP for Pregnant Women*					√	
Workforce Protections						
Anti-Retaliation Protection				√		
Immigration-Related Threat Protection				√		
Domestic Worker “Bill of Rights”				√		
Anonymous/Confidential Employee Reporting					√	
Equal Remedies for Undocumented Immigrants					√	
Professional Licenses						
License to Practice Law	√				√	
Other Professional Licenses	√				√	
Voting Rights	√					

* Obtained from NILC: <http://www.nilc.org/healthcoveragemaps.html> (Updated September 2015)

POLICY DIFFUSION

What are the barriers to policy diffusion? How can states and localities follow the models set forth by others to pass integration laws? Table 2 provides a typology of the barriers for passing and implementing each of the major policies we discussed earlier in this report, based on our prior research and thoughts expressed in our policy convenings.

In a state like Illinois, which has a comparable pro-immigrant advocacy network to California, the biggest challenge for

passing legislation, according to advocates, has been the state’s budget crisis and, to a lesser extent, political shifts at the gubernatorial level.¹⁰¹ In places where funding is the biggest barrier to policy innovation, advocates can focus their efforts on modeling policies that are cost-neutral (see Table 2). This does not mean forsaking larger, more ambitious policies, but to score smaller victories and build momentum towards larger victories in a more favorable budget climate.

101. Summary of discussion at November 16, 2015 policy convening.

In other states, barriers are not budgetary but due to the lack of a cross-regional infrastructure. In New York, for example, repeated attempts to pass a state DREAM Act have failed because of insufficient movement strength outside New York City.¹⁰² Thus, while the city has created a blueprint to support the work of mayors across the country,¹⁰³ there is a pressing need to also build a robust network of regional hubs in the state, much like California did in the past decade.

In light of California's model, it is also a good strategy in states like New York and Connecticut to focus on a few key integration issues and policies and to build incrementally. As we noted earlier in this report (p. 11), the comprehensive New York Is Home Act was proposed when the state was not yet ready to have a conversation about the full inclusion of undocumented immigrants. Indeed, the bill might have tipped the state senate in an more conservative direction after the 2014 elections.¹⁰⁴ An important lesson here is that state agendas can backfire, and strategy in the types of policies (especially comprehensive/omnibus bills) being proposed is important to consider. Nevertheless, success is being achieved in New York City. Specifically, on local access to healthcare for undocumented immigrants, New York City is modeling its programs after San Francisco and Los Angeles.¹⁰⁵ This policy model naturally fits with New York since it has a similarly strong local organizational capacity.

PUSHING FOR COMPREHENSIVE IMMIGRATION REFORM, AND GOING EVEN FARTHER

A recurring theme is how concrete policy gains at the local and state level contribute to the larger project of immigrant integration that is stalled indefinitely at the national level. While national-level integration measures had a significant lead over state level efforts in 2006 and 2007, pro-immigrant advocates and funders began to seriously focus their efforts on state and local policy after restrictionists passed a range of anti-immigrant state and local policies. Then, the failure of the DREAM Act in 2010, the Supreme Court's ruling in *Arizona v. United States*, and the failure of comprehensive immigration reform (CIR) in 2013 created an important opening for advocates to more fully pursue pro-integration legislation at the state and local level.¹⁰⁶

102. *Ibid.*

103. <http://www.nyc.gov/html/imm/downloads/pdf/Blueprints/introduction-digital.pdf>

104. Summary of discussion at November 16, 2015 meeting. See also Jimmy Vielkind, 'After Deal, GOP Attacks De Blasio and 'Illegal Immigrants,' *POLITICO New York* (June 27, 2014).

105. *Ibid.*

106. The timing of national versus state level initiatives is documented by Gulasekaram and Ramakrishnan, *The New Immigration Federalism*.

What is now clear from the growing body of research on "the new immigration federalism,"¹⁰⁷ the entry of states and localities into more robust forms of immigrant integration and exclusion is not merely a blip. It has staying power, even in the event that comprehensive immigration reform is passed at the national level, with potentially significant implications for the lives and livelihoods of immigrants, on labor markets, and state and local economies more generally. In our policy report, "The California Package," we argue that pro-immigrant integration laws passed in California and in other states is a modern legal innovation from historical precedents because they illustrate not only a decoupling of national and state notions of citizenship, but state and local policies that go well beyond national law to welcome and integrate authorized and unauthorized immigrants.¹⁰⁸

The key difference between the California Package and federal reform efforts is that the former blurs the lines rather than sharpens the lines between legal and illegal immigrants.¹⁰⁹ For example, the most recent proposed federal reform, S. 744 ("Border Security, Economic Opportunity, and Immigration Modernization Act"), would provide a blanket legalization scheme to integrate undocumented immigrants, but the process of integration would take a minimum of 13 years between RPI, LPR, and naturalization statuses. In addition to the imposed probationary time period before integration, S. 744 would prioritize strict border enforcement and expanded interior enforcement of unauthorized immigrants. By contrast, California's laws do not impose a probationary period before granting certain benefits like access to driver licenses or professional licenses, but instead, California immediately grants these benefits to all residents regardless of legal status. California has also diverged from federal law by limiting its involvement in federal immigration enforcement through its anti-E-Verify law and its TRUST Act, expanding the benefit of free movement within the state to legal and unauthorized immigrants, and securing a fire wall of protection for all future undocumented immigrants.

Of course, comprehensive immigration reform will produce significant benefits for those who qualify for legalization and are able to afford it. Immigrants in LPR status will gain access to federal, state and local health care, education, and workforce rights and benefits. They will even gain access to voting in some jurisdictions where currently, as undocumented immigrants, they are excluded. Thus, action by the federal government will establish a new floor upon which a minimal level of immigrant integration is protected under federal law.

107. For an extended discussion of this literature, see sources cited in Gulasekaram and Ramakrishnan, *The New Immigration Federalism*, Chapter 1.

108. Ramakrishnan and Colbern, "The California Package: Immigrant Integration and the Evolving Nature of State Citizenship."

109. *Ibid.*, 11–14.

What unique value, then, do state and local integration policies offer? And, how far can states and localities close the gap existing between citizen and noncitizens' rights and access to public benefits? Importantly, state and local policies will likely remain the only viable venue for welcoming and integrating future populations of undocumented immigrants; federal reform only deals with the current undocumented population residing in the U.S. Furthermore, immigrants given provisional status, like Registered Provisional Immigrant (RPI) status, will likely be excluded from health care access and other benefits; S. 744 not only made RPI status a 10-year probationary period for immigrants, it also required that the enforcement parts of the bill be successfully implemented prior to its legalization components. On top of these barriers to federal-level integration, policies like driver licenses, health care and professional licenses are currently controlled by states, many of whom also provide workforce protections that exceed federal standards.

In the early 2000s, when states began to pass integrationist laws as a stopgap measure for federal reform, it was too early to forecast the future role of state and local policy. Some advocates and policymakers now hold the view, of which we agree, that this question is becoming more settled—states and localities are central venues for policymaking on immigrant integration. There is no clear tradeoff between national, state, and local policies. Instead, in our view, all three venues hold an important role for immigrant integration. States and localities have historically controlled decision-making power when it comes to granting noncitizens access to rights and benefits (such as voting, health care, employment rights, and access to education) that significantly affect individual life chances and collective outcomes. What has changed in the recent decade, however, is that states like California are now employing this power to integrate residents (in their various roles as taxpayers, workers, students, parents, care-givers, and more) regardless of their federal legal status. Moreover, many of the key actors in shaping state and local policy no longer view these innovations merely as stopgap measures, to be fully replaced by federal reform.

In many ways, state and local successes have helped advance how advocates contextualize the relationship between local, state and national efforts, and they have added clarity to the message for why CIR is good for all Americans.¹¹⁰ National, state and local conversations have begun to build on each other in fruitful ways, and are consistent with a multifaceted approach towards immigrant integration.¹¹¹

Recent setbacks in federal immigrant integration efforts should prompt a fresh look at the role of subfederal jurisdictions in promoting immigrant integration. As we

note, strategic investments in these state and local efforts can make a critical difference, not only as building blocks towards comprehensive immigration reform, but as important policies in their own right, and as relatively permanent features of the immigrant integration landscape.

110. *Ibid.*

111. *Ibid.*