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State Politics & Policy Quarterly 2012 12: 160
DOI: 10.1177/1532440012442910

The online version of this article can be found at:
http://spa.sagepub.com/content/12/2/160

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> Version of Record - May 2, 2012
What is This?
Immigration Crackdown in the American Workplace: Explaining Variation in E-Verify Policy Adoption Across the U.S. States

Benjamin J. Newman1, Christopher D. Johnston2, April A. Strickland3, and Jack Citrin4

Abstract

Immigration remains a powerful and recurrent feature of American politics. Of the issues related to immigration, controversy over government policy for controlling illegal immigration occupies a central position in the debate. One increasingly important and prevalent type of control policy that has received little scholarly attention is worksite employment eligibility enforcement, otherwise known as E-Verify Laws. In the present article, we analyze variation in E-Verify policy adoption across the U.S. states, approaching the topic from multiple theoretical perspectives and testing several hypotheses pertaining to policy enactment. Our analysis points to the critical role of proportionate change in a state’s immigrant population, as well as the political activity of immigrant-employing industries, in leading to policy adoption. Despite the use of multiple objective indicators, we fail to find strong evidence supporting the hypothesis that economic distress within a state increases its likelihood of enacting E-Verify legislation. Overall, our analysis contributes to an underdeveloped area of immigration policy research and sheds light on an important contemporary immigration issue, while drawing broader conclusions concerning the factors influencing the emergence of anti-immigration policies more generally.

Keywords

immigration policy, E-Verify, state politics

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Introduction

Conflict over immigration remains a powerful and recurrent feature of American politics. Of the issues related to immigration, controversy over government policy for controlling illegal immigration occupies a central position in political debates. One increasingly important and prevalent type of control policy that has received little scholarly attention is worksite employment eligibility enforcement, otherwise known as E-Verify Laws. In essence, these laws require or strongly incentivize employers within a designated jurisdiction to electronically verify newly hired employees’ citizenship status and employment eligibility by accessing information in databases created and maintained by the Social Security Administration (SSA) in partnership with U.S. Citizenship and Immigration Services, a bureau within the U.S. Department of Homeland Security (DHS).

E-Verify laws go beyond existing federal law requiring the use of I-9 forms by employers to verify the identity and employment eligibility of new hires. By requiring employers to enter information from newly hired employees’ I-9 forms into an online government database, E-Verify laws facilitate further verification of a new employee’s employment eligibility and confirm that an employee’s name, social security number, date of birth, citizenship status, and any other noncitizen information match government records. In addition to providing a more rigorous process for verifying the employment eligibility of a new hire, E-Verify laws are intended to provide a more staunch mechanism for controlling illegal immigration and deterring unlawful employment by increasing the financial and legal liability to employers for hiring illegals. Employers who receive a mismatch or nonconfirmation notice from the SSA or DHS regarding the employment eligibility of a new hire are given a set period of time to resolve the case, either through having the individual employee formally contest the nonconfirmation or by terminating their employment. If an employee does not contest a nonconfirmation within the set time period, then the determination by the SSA or DHS is considered final (Siskind Susser Immigration Lawyers 2008). At this point, employers who continue to employ nonconfirmed individuals are themselves liable for notification failure fines, suspension or termination of business license or contracts, and civil and/or criminal penalties under the Immigration and Naturalization Act for knowingly hiring or continuing to employ unauthorized workers (Park and Friedman 2008).

In the ongoing scholarly endeavor to explain the sources of opposition to immigration in the United States, we argue that E-Verify laws provide a timely, unique, and previously unexplored arena with which to test distinct theories. Over the past half decade, participation in the E-Verify system has increased drastically, and laws requiring its use have emerged at state and local levels. At present, significant variation exists across the 50 states in the adoption of E-Verify laws, with some states mandating the use of E-Verify for all employers, even more states requiring its use among public employers and/or state contractors, and many states failing to enact any E-Verify legislation. This variation across the states provides an ideal opportunity to test distinct hypotheses regarding the sources of anti-immigrant policy enactments. While
there is a large body of literature exploring opposition to immigration at the level of individual opinion, barely a handful of studies (see Hero and Preuhs 2007; Schildkraut 2001; Tatalovich 1995) exist within the political science research that analyze state-level variation in immigration policy enactments. Moreover, we are unaware of the existence of any scholarly work subjecting variation in E-Verify policies across the U.S. states to theoretical and empirical analysis. An examination of the sources of state variation in E-Verify laws represents not only an attempt to initiate academic discourse and analysis of a timely and previously unexplored issue but also a contribution to an underdeveloped area of immigration policy research.

In addition to its timeliness, E-Verify laws are unique as a method for controlling illegal immigration in that they revolve around the workplace, rather than the border. Unlike border-based control policies, E-Verify laws shift enforcement responsibility and legal liability for noncompliance with immigration laws to American citizens who own or operate businesses. This defining characteristic of E-Verify positions it as a policy arena prospectively more sensitive to the observation of conflict between ideologically driven anti-immigrant mass constituencies and economically self-interested immigrant-employing industries. Furthermore, in contrast to more symbolically oriented issues analyzed by scholars, such as Bilingual Education (Sears and Huddy 1987) or Official English (Schildkraut 2001), or more general immigration policies, such as the amount of legal immigration (Hood and Morris 1997), the E-Verify program has a strong explicit linkage to the economic realm, as it deals specifically with labor and employment. This feature positions the explanation of variation in E-Verify policy adoption as a stronger testing ground for the operation of symbolic factors and one more amenable to the detection of economic factors. Given the weak findings in the research for the role of objective economic factors like unemployment and income (e.g., Citrin, Green, Muste, and Wong 1997), the failure to find effects for such economic variables within a more conducive policy context would render additional confirmation of the weakness of theories of realistic conflict and economic threat as explanations for the emergence of restrictive immigration policies.

In the present article, we analyze extant variation in E-Verify policy adoption across the U.S. states. We approach the topic from multiple theoretical perspectives, including realistic group conflict and symbolic politics, and test several hypotheses pertaining to state policy enactment. In addition, we push realistic group conflict theory beyond its predominant incarnation in racial or power threat hypotheses by developing and testing the acculturation threat hypothesis. This hypothesis emphasizes the effects of over-time growth in immigration in proportion to initial immigrant population sizes in shaping anti-immigrant sentiment and policy adoption. According to our theory, larger proportionate changes in state immigrant populations produce sociocultural changes of a greater intensity, represent a more acute shock and challenge to a state’s ethnodemographic and sociocultural status quo, and generate a higher degree of anti-immigrant sentiment and policy support.

Utilizing an event history framework to analyze state adoption of E-Verify legislation over time, we find that states with the highest levels of proportionate change—typically
states with small immigrant populations in 1990 who experienced a large influx of immigrants between 1990 and 2006—were the most likely to adopt laws mandating or strongly incentivizing the usage of the E-Verify system by employers within the state. Even in a policy context explicitly linked to the workplace, despite the use of multiple indicators, we fail to find support for the economic threat hypothesis. Our analysis also finds a pronounced effect for interest groups, with increased lobbying of state legislatures by immigrant-employing industries strongly decreasing state adoption of E-Verify laws. Overall, our analysis sheds light on an important contemporary immigration issue, while generating original insights into and broader conclusions concerning the factors influencing immigration policy adoption in the United States.

**Policy Development and State Legislative Outcomes**

The early 1990s marked an era in which legislators in the United States began to show increasing interest in issues of immigration and employment. This increased attention was perhaps largely triggered by the Immigration Act of 1990, which significantly reduced the amount of restrictions placed on foreign-born individuals seeking residency within the United States and increased the number of immigrants allowed to enter the country each year. Despite opening the gates for legal immigration, concerns about illegal citizens, particularly those illegal individuals employed in the United States, began to rise to the surface among legislators. In 1991, President George H. W. Bush approved federal agencies to construct new employment verification systems. Less than a year later, the Immigration and Naturalization Service (INS) created a pilot version of the Telephone Verification System (TVS; National Immigration Law Center [NILC] 2008).

The logic of the TVS was fairly straightforward: Before hiring a new employee, an employer may authenticate the residency status of their prospective hire by communicating with INS through the use of a telephone hotline. The employer would provide the hotline with the social security number of the prospective hire, and the TVS would verify whether the individual was legally permitted to work in this country. The TVS was originally voluntarily piloted among employers from Texas, Florida, California, Illinois, and New York (NILC 2008), yet over the following years, more employers enlisted in the TVS pilot program. During this piloting period, the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRARA) was signed by President Bill Clinton. One of the major contributions of this piece of legislation included the tightening of deportation regulations for individuals who were found to be illegal immigrants. Thus, IIRARA created stricter rules regarding the time frame for which an immigrant was allowed to remain in the country and harsher consequences if an illegal immigrant was caught by the authorities (Stephen 2001).

With the creation of the IIRARA in 1996 came a striking expansion of employment verification systems and the desire for verification in electronic format. Three of the most notable electronic verification programs were the Citizen Attestation Pilot (CAP), Machine-Readable Document Pilot (MRDP), and the Basic Pilot (BP) program.
Launched voluntarily to employers in California, Texas, Florida, New York, and Illinois in 1997 (NILC 2008), the BP program quickly became a favored and reliable employment verification tool. The BP program was so favored, in fact, that in 2003, President Bush authorized the continuation of its voluntary use by employers until 2008 and the use of the program within all 50 states (NILC 2008). The persistent influx of immigrants into the country made salient the need for electronic employment verification, and as a result, the BP program began to evolve into a structured and standard instrument for authenticating work eligibility in the United States. In 2007, the DHS took over the BP program, giving it the name E-Verify, and mandating its use among federal contractors, federal vendors, and federal agencies (NILC 2008).

By 2007, federal agencies and those employers receiving federal funds were ordered to use the E-Verify program to confirm U.S. employment eligibility of new hires. With E-Verify legislation gaining attention at the federal level, several state legislatures began to show an interest in implementing this program at the state level. North Carolina, Idaho, Georgia, and Colorado were among the earlier states to enact E-Verify legislation. In 2007, several states had passed legislation requiring the use of the E-Verify program for new hires of state agencies and/or public employers. Arizona, Minnesota, Mississippi, and Rhode Island each enacted legislation in 2008 mandating the use of the E-Verify program for employers within the state. Over the past few years, participation in the E-Verify system by American employers has drastically expanded, growing from an estimated 24,463 enrolled employers and 3.27 million queries in 2007 to an estimated 216,721 enrolled employers and 13.41 million queries in the fiscal year 2010.1

Explaining Policy Adoption

Although there has been dramatic growth in E-Verify participation and legislation over the last decade, significant variation in policy adoption exists across the 50 states. What accounts for this variation? The existing literature on immigration and intergroup relationships offers several distinct and often competing hypotheses regarding the factors leading to anti-immigrant policy enactments, as well as the motivational bases for the mass appeal of restrictive immigration policies. These hypotheses tend to combine into a larger conceptual framework that emphasizes the threats and concerns evoked by immigration. Within this framework, realistic concerns, such as economic competition linked to the size of immigrant populations and financial vulnerability rooted in unemployment rates and declining income, are often contrasted with symbolic factors, such as a state political culture and the ideological and partisan orientations of state citizenries. In addition to the role of economic threats and citizens’ symbolic orientations, political factors, such as the partisan composition of state legislatures and the interests and political activities of immigrant-employing industries, could serve as important political forces shaping state policy on immigration. In the following section, each of these approaches is mapped out and translated into specific hypotheses regarding the sources of E-Verify policy adoption.
Realistic Interests

One prominent theoretical approach for explaining the emergence of restrictive immigration policies and anti-immigrant sentiment is realistic group conflict theory (D. T. Campbell 1965; Sherif 1966). This theory argues that intergroup conflict arises from real competition between groups over limited economic and political resources, the loss of which can hurt a group’s status or well-being (Blumer 1958; Bobo 1988). One central prediction derived from the realistic conflict perspective is the racial or “power threat” hypothesis (Blalock 1967; Key 1949), which argues that racial hostility toward blacks among whites should grow in tandem with the size of, and thus the degree of presumed competition with, the black population within whites’ local jurisdiction. When translated to the case of immigration, the power threat hypothesis argues that citizens residing near larger immigrant populations should experience a greater threat of economic and political competition from immigrants, which in turn should result in increased anti-immigrant sentiment and policy support (A. L. Campbell, Wong, and Citrin 2006; Hopkins 2010).

Within the context of state adoption of restrictive or ethnonativist immigration policy, this hypothesis would suggest that states with larger populations of foreign-born individuals would be more likely to enact such policies. Given the E-Verify program’s explicit intention of controlling the size of illegal workforce and immigrant populations, one obvious realistic factor that could influence the adoption of E-Verify laws is the size of these groups within a state. When applied to explaining state adoption of E-Verify legislation, the power threat hypothesis suggests that the size of the unauthorized migrant or foreign-born populations within a state should be positively related to policy adoption. To be sure, the passage of laws requiring employers within a state to verify the citizenship status and work eligibility of employees, according to this perspective, would represent a state policy response to presumed economic threats to native-born state residents associated with the real size of the immigrant population.

In addition to this hypothesis based on the size of immigrant populations, there exist hypotheses derived from realistic conflict theory that directly assess the impact of economic factors. One such hypothesis is the economic vulnerability hypothesis (Burns and Gimpel 2000; Citrin et al. 1997), which argues that citizens experiencing financial stress will be more likely than those who are well-off to be concerned over the economic implications of immigration. When translated to the level of state policy outcomes, this hypothesis argues that poorer and more economically distressed states should be more willing to protect its workers against competition from immigrants by embracing restrictive policies and rejecting permissive policies aimed at accommodating the needs of immigrants (Schildkraut 2001). Applied to the present case, this hypothesis suggests that states experiencing greater economic hardship, as indicated by unemployment rates and income levels, should be more likely to enact an E-Verify policy.
Beyond the Concern Over Resources: Acculturation Threat

Interestingly, the power threat and economic vulnerability hypotheses have received little support in the research on immigration policy across the U.S. states. For example, extant studies fail to find a connection between the size of state immigrant and ethnic minority populations and the enactment of Official English language policies (Citrin, Reingold, Walters, and Green 1990) or the inclusion of immigrants as eligible recipients of various state welfare benefits (Hero and Preuhs 2007). Reinforcing these negative findings for the realistic conflict perspective, measures of economic vulnerability, such as state unemployment rates and county poverty levels, fail to exert a significant effect on state adoption of Official English laws (Schildkraut 2001) and support for such laws by state legislators (Tatalovich 1995). These null findings at the state level correspond to findings at the individual level, where contextual measures of the size of local immigrant populations, as well as local unemployment rates and personal income and employment status, have failed to exert effects on citizens’ immigration policy preferences (A. L. Campbell et al. 2006; Citrin et al. 1997; Citrin, Reingold, and Green 1990; Frendreis and Tatalovich 1997).

As an alternative to the power threat and economic vulnerability hypotheses, we present an approach to explaining public opposition to immigration and the emergence of anti-immigration policy that focuses on the role of changing immigrant populations. The acculturation threat hypothesis argues that anti-immigrant sentiment and policy enactments represent a backlash by native-born citizens residing in environments experiencing high levels of immigration-driven ethnic and sociocultural change—a process labeled acculturation (Redfield, Linton, and Herskovits 1936). This hypothesis is derived from research within cultural anthropology and cross-cultural psychology on acculturation and adaptation (Castro 2003), as well as political science and sociological research on ethnic change (Hopkins 2010; Horton 1995) and “defended neighborhoods” (Green, Strolovich, and Wong 1998).

The acculturation and adaptation literature contends that individuals are susceptible to experiencing “culture shock” (Furnham and Bochner 1986; Oberg 1960) or “acculturative stress” (J. W. Berry 1970, 1997) when the environments they reside in undergo substantial sociocultural change due to novel or heightened contact between distinct cultural groups. When applied to individuals in immigrant-receiving communities, the experience of shock or stress is linked to the degree in which increased exposure to unassimilated immigrants and foreign languages and culture serve to displace individuals’ preexisting and familiar sociocultural environments and require adaptation and adjustment to a more unfamiliar and culturally diverse social landscape. When applied to opinion on immigration, this framework emphasizes over-time increases in, rather than the amount of, immigrants and unfamiliar culture surrounding people as the principle factor driving opposition to immigration. This feature of the acculturation literature parallels research exploring the effects of increasing ethnic diversity on political behavior and intergroup conflict. Existing scholarship argues that while
levels of ethnic heterogeneity might escape notice, increases in ethnic diversity are more likely to capture citizens’ attention (Hopkins 2010) and trigger concerns over the identity and future of one’s community (Suttles 1972). This perspective is supported by research demonstrating that ethnic change precipitates public opposition to immigration (Hopkins 2010; Horton 1995), voting for anti-immigrant political parties (Alexseev 2006), and antiminority crime (Green, Strolovitch, and Wong 1998).

Taken together, this work strongly suggests that, by amplifying levels of intercultural contact and challenging citizens’ habituated ethnic and sociocultural contexts, substantial ethnic change driven by immigration could trigger a strong reactionary anti-immigrant backlash among native-born citizens residing in these changing environs. This reactionary backlash to ethnic change should manifest in heightened xenophobia and increased support for restrictive immigration policies. The literature on acculturation and defended neighborhoods both suggest that for over-time growth in an immigrant population to constitute a perceptible displacement of an extant sociocultural environment, and thus register a considerable shock to the native population, this growth should represent a substantial departure from the ethnodemographic status quo of a location. One way to think about this departure is through the proportionate change in the immigrant population, where the degree of experienced shock and anti-immigrant backlash among natives rises as the over-time growth in an immigrant population involves an ever larger percentage of its previous size.

In instances where the percentage point growth in an immigrant population over some specified time period vastly exceeds its initial percentage of the population, the acculturation threat hypothesis predicts stronger opposition to immigration. These cases are best exemplified by rather ethnically homogeneous areas lacking sizeable immigrant populations that experience an influx of immigrants that is large in relation to the prior size of the immigrant population. Indeed, existing research finds that the effect of growth in immigrant populations on politics and group conflict is most pronounced when the growth occurs in homogeneous locations among immigrant groups that were largely previously absent (Alexseev 2006; Green et al. 1998). In contrast, an equal amount of immigrant growth occurring in an area with a sizeable preexisting immigrant population represents a smaller proportionate change and thus less of a threatening shock to and departure from the ethnic status quo. In these instances, and in those areas experiencing a minimum of proportionate change in the immigrant population, the acculturation threat hypothesis predicts lower levels of anti-immigrant sentiment and policy support. In application to immigration policy enactments at the state level, and the specific case of E-Verify policy adoption, the acculturation threat hypothesis argues that states experiencing a larger proportionate growth in their immigrant population are more likely to have adopted laws requiring or strongly incentivizing the use of the E-Verify system by state employers. From the perspective of this hypothesis, the adoption of E-Verify laws represents the usage of a timely immigration control program as a state-level policy response to anti-immigrant sentiment produced by large proportionate change in the state’s immigrant population in the years preceding the program’s federal authorization.
While rooted in real changes in state immigrant populations, a major distinction that can be made between this hypothesis and the power threat hypothesis is that it emphasizes causal dynamics less linked to the ostensible purposes of the E-Verify system. This becomes important when analyzing the degree of congruence between the justification for the creation and utilization of the E-Verify system and the actual factors motivating state laws compelling its usage. Finding that the size of state immigrant populations systematically relate to state policy adoption would suggest usage roughly consistent with its direct purpose of controlling the amount of illegal immigration and unauthorized employment. However, finding support for the acculturation threat hypothesis in combination with null findings for the power threat hypothesis would suggest some degree of disconnect between policy intent and utilization in the case of E-Verify laws within the states. Such findings would cast state adoption of E-Verify laws as more of a policy response to anti-immigrant sentiment sparked by relative growth in the immigrant population rather than a realistic desire to curb the absolute size of the immigrant population.

Symbolic Orientations

An alternative framework for explaining variation in state adoption of restrictive and nativist immigration policies emphasizes noneconomic and nondemographic factors such as the dominant political culture within a state, which encompasses citizen’s political values, identities, and symbolic orientations toward key groups in society. According to the theory of symbolic politics (Sears 1993), mass political attitudes and policy preferences are largely driven by deeply ingrained, affectively oriented reactions to salient objects within the political environment. Racial and ethnic groups are argued to be primary objects in the political environment toward which individuals possess strong positive or negative symbolic orientations. Rather than being rooted in realistic concerns over controlling the size or growth of immigrant populations, or ameliorating economic distress, the symbolic politics approach would suggest that the adoption of E-Verify laws reflect the symbolic orientations and cultural attitudes of state citizenries.

Liberal-Conservative ideology has been found to be strongly linked to citizens’ symbolic orientations, particularly toward different groups in society (Conover and Feldman 1981). Extant research argues that ideology, as an indicator of important symbolic orientations, should influence attitudes on group-related issues, such as immigration (Citrin, Reingold, and Green 1990). Furthermore, the distribution of mass ideological identification is often used as an indicator of an areas’ dominant political culture (Hero and Preuhs 2007; Schildkraut 2001). Past research has found measures of citizen ideology and political culture to be important predictors of state immigration policies, such as immigrant inclusion in state welfare benefits (Hero and Preuhs 2007) and Official English language laws (Citrin, Reingold, Walters, and Green 1990). As an application of the symbolic politics framework to the case of state adoption of E-Verify laws, we test the citizen ideology hypothesis (Schildkraut 2001; Tatalovich 1995),
which suggests that E-Verify policy adoption will be linked to the degree of ideological conservatism among the citizens within a state.

**Political Forces**

An important alternative set of factors that could influence the passage of E-Verify laws within a state are the characteristics of the political institutions that ultimately decide on policy enactment. Several considerations lead to a *partisan legislature hypothesis*, which predicts that E-Verify laws are more likely to be adopted in states with Republican controlled legislatures. Republican candidates, and their supporters, tend to be more conservative on racial and ethnic issues than their Democratic counterparts (Abramson, Aldrich, and Rohde 2007; Sniderman and Carmines 1997). Conservative elites and masses tend to consistently oppose liberal racial policies, and this typically extends to issues of ethnicity and multiculturalism, with strongly nativist and anti-immigrant candidates and citizens tending to affiliate with the Republican Party. In addition, Hispanic Americans largely identify with the Democratic Party (Cain, Kiewiet, and Uhlaner 1991), which tends to be more liberal on matters of race and ethnicity, and has taken more action than Republicans to advocate issues Hispanic constituents care about (Lewis-Beck, Jacoby, Norpoth, and Weisberg 2008). These considerations suggest that the larger the size of the Republican Party in state governments, the greater the likelihood of forming winning coalitions and translating conservative preferences on immigration into the passage of restrictive immigration policies. Furthermore, the larger the size of the Republican Party in state governments, the less likely it is that anti-immigrant Republican legislators will encounter political resistance from Democratic legislators acting on behalf of Hispanic and liberal-cosmopolitan constituents.

A second potential political force influencing the passage of E-Verify laws within a state is interest group pressure emerging from structural demands for low cost labor among immigrant-employing industries (Cornelius and Rosenblum 2005). Immigrant-employing industries benefit from falling wages associated with increasing migration inflows and have an interest in preventing blocs to the entry of immigrants into labor markets. These economic interests have been linked to aggressive lobbying activities by specific business groups (Calavita, 1992; Gimpel and Edwards 1998; Zolberg 1990), typically in promotion of more permissive immigration policies, loosened controls, and lax enforcement of immigration laws. It is known that several key industries, such as agriculture and construction, rely heavily on immigrant labor (Passel 2006). One key point of contention over E-Verify laws is the concern among business owners within these industries over losing laborers, experiencing difficulty in recruiting employees, incurring cost increases associated with hiring native workers compared with unauthorized migrants, and the prospect of being subjected to fines and harsh penalties (Novack 2007). The *industry interests’ hypothesis* argues that states with more politically active and influential immigrant-employing industries should be less likely to adopt E-Verify legislation.
Analysis of E-Verify State Policy Adoption

Data and Measurement

In this section, we put to test the hypotheses outlined above in an analysis of E-Verify policy adoption across the 50 U.S. states. At present, there not only exists variation in whether an E-Verify policy has been enacted, but there also exists variation in the degree of E-Verify implementation within states adopting an E-Verify law. As a general illustration, E-Verify laws in 4 states (Arizona, Mississippi, South Carolina, Utah) require all employers within the state to use the E-Verify system, 7 states (Idaho, Georgia, Minnesota, Missouri, Nebraska, Oklahoma, Rhode Island) require only state agencies and contractors to use the system, 3 states (Colorado, North Carolina, Virginia) require only state agencies or contractors to use the system, and 1 state (Tennessee) provides the legal benefit of “safe harbor” to employers who use the E-Verify system in combination with severe penalties for knowingly hiring illegals.2 As an indicator of its timeliness as a policy issue, several states (such as Oregon, Washington, Texas, and Pennsylvania) currently have E-Verify legislation pending, and others (such as Virginia) have recently passed legislation extending extant E-Verify laws.3

For the present analysis, we capture variation in E-Verify policy adoption across the 50 states with a dichotomous indicator, yielding a dependent variable with 15 states coded “1” and 35 states coded “0.” We would ideally create a distinct category of the dependent variable for each type of policy, but with only 15 positive outcomes, any further splitting of the data would simply be untenable analytically (i.e., it would produce a small number of observed cases in a given category of the dependent variable).4 While the present analysis ignores these additional complexities, it should nonetheless provide a meaningful examination of the propensity of states to engage in general attempts at compelling employers within the state to electronically verify the work eligibility of new employees.

With respect to the structure of the data, we are interested in the propensity for a given state in a given year to adopt E-Verify laws and focus on the years 2006 to 2010 as our observed window of policy adoption. The unit of analysis for these data is thus the state-year, with 50 states each observed for 5 time periods from 2006 to 2010. The dependent variable is coded “0” for a given state in a given year if an E-Verify policy was not adopted in that period. States that did adopt an E-Verify policy are coded “1” in the year of adoption, and then exit the dataset (i.e., they receive missing values for the remainder of the years postadoption). As we describe below, the structure of the data suggests the use of an event history approach with respect to analysis.

To assess the power threat hypothesis, we relied on annual American Community Surveys conducted by the U.S. Census Bureau to obtain measures of the size of the noncitizen and foreign-born population within each state during the E-Verify policy enactment period under analysis. Given the high correlation of these two figures, we opted to use the size of the foreign-born immigrant population within each state as our operationalization of the power threat hypothesis. This operationalization is in line...
with prior work assessing the power threat hypothesis in the domain of immigration (Hopkins 2010). To operationalize economic vulnerability, we rely on two state-level measures: the unemployment rate and median household income. We use data from the U.S. Department of Labor’s Bureau of Labor Statistics to obtain the unemployment rate within each state each year from 2006 through 2010. Estimates of the median household income within each state for each year were obtained from the 2006 through 2009 American Community Surveys conducted by the U.S. Census Bureau.

In contrast to the power threat hypothesis, the acculturation threat hypothesis argues that it is the growth in a state’s immigrant population in proportion to a defined baseline size of this population within a state in the years preceding a policy adoption period that matters most for state adoption of restrictive immigration policies. To operationalize the acculturation threat hypothesis, we relied on data from annual American Community Surveys and the 1990 Decennial Census of the U.S. Census Bureau to create a variable that records the proportionate change in the foreign-born population within each state from 1990 to the beginning of the policy adoption period of observation in 2006. In other words, for each state for each year, we subtracted the 1990 figure from the 2006 figure, and then divided by the 1990 figure. This variable instantiates the idea that what matters for policy adoption is not the size or general growth of the foreign-born population per se, but rather the magnitude of its growth relative to its earlier levels. For a more in-depth discussion of the selection of 1990 to 2006 as the time frame for measuring ethnic change and creating our proportionate change variable, see online appendix.

To test the citizen ideology hypothesis, which is our main prediction derived from the symbolic politics perspective, we operationalize state-level citizen ideology with W. D. Berry et al.’s (1998) citizen ideology series. W. D. Berry et al.’s (1998) measure is constructed as the unweighted average of the state’s district-level ideology scores for a given year, which are constructed as the unweighted average of the ideological positions of the major party candidates for that district. This series ends in 2006, so we utilize the 2006 value for each state for all of its observed years. The variable is thus static with respect to its operationalization.

To analyze the effect of political forces in shaping E-Verify policy adoption, we relied on The Book of States provided by the Council of State Government to obtain measures of the percentage Republican within each state legislature from 2006 to 2010. Second, of the political forces explored, we test the industry interests’ hypothesis using state-level financial contributions data provided by the National Institute of Money in State Politics. Specifically, we obtained data on the reported campaign contributions made by key immigrant-employing agricultural and construction sector industries within each state to all candidates for seats in state legislatures in all state elections held from 2006 to 2010. We divide the sum of campaign contributions given by these two industries to all legislative candidates in all state elections held between 2006 and 2010 by the product of the number of seats in a state’s legislature multiplied by the number of elections held during this time. The resulting two industry influence variables (agriculture contributions and construction contributions) capture the
dollars per seat on average across all state elections during this period spent by these two immigrant-employing industries. These variables take into account differences in the size of state legislatures and the number of elections held between 2006 to 2010 (i.e., states with off-year elections) and serve as our operationalization of the average degree of campaign activity, and thus presumed political influence, of these two industries in each state during the time period under analysis. We divided the resulting variables by 1,000 to ease interpretation. Thus, a unit change in each variable represents a $1,000 change in per-seat contributions averaged across observed elections. The industry interests’ hypothesis would suggest that as the amount of money (in the thousands) spent per seat by an immigrant-employing industry within a state increases, the likelihood of the state adopting an E-Verify policy will decrease.

Last, we include four state-level controls. Consistent with prior research analyzing state variation in immigration-related policy outcomes (Hero and Preuhs 2007), we included a border state dummy variable to control for whether a state lies on the U.S.–Mexico border, as well as measures of education and urbanization within each state as indicators of “cosmopolitanism” within a state. As with median household income, education was unobserved for 2010, and we impute this value with the 2009 figure. The values across time are highly correlated. Finally, we include a control for policy diffusion across the states. The variable is dichotomous and is coded “1” for states adjacent to an adopting state for all years postadoption. Thus, for example, Massachusetts and Connecticut are coded “1” for 2009 and 2010 because Rhode Island adopted E-Verify in 2008.

Analysis

State adoption of E-Verify policy occurs within time, and we would like to preserve this structure within our analysis. To account for the temporal structure of the data analytically, we rely on an event history approach (see Box-Steffensmeier and Jones 1997). In the present case, within the context of an event history model, we are estimating the probability that a given state adopts an E-Verify policy in a given year conditional on not having adopted such a policy up to that point in time. As our data come in discrete time units (i.e., years), estimation of the model can be accomplished via logistic regression. The interpretation of the logit coefficients is slightly different within the event history context, and we will discuss this issue further below in the context of specific estimates. Finally, to account for the possibility of duration dependence, or in other words, the possibility that the probability of adoption varies with time per se, we include linear, quadratic, and cubic functions of time in our model (Carter and Signorino 2010).

Results

The estimates for our event history model of E-Verify policy adoption are shown in Table 1. First and foremost, we find strong support for our acculturation hypothesis. The coefficient for proportionate change in the foreign-born population is substantively
large, statistically significant, and in the expected positive direction ($B = 1.16$, $p < .05$). The interpretation of coefficients within event history models differs somewhat from the typical logistic regression. Specifically, predicted probabilities represent the probability of “failure,” or in our case adoption, in each time period, conditional on the observation being in the risk set. Holding all other variables at their central tendencies, a change from the 5th to the 95th percentile of proportionate change entails an expected change in the probability of adoption, in a given year, from .01 to .10.

As these estimates represent the probability of adoption in any given year, they do not fully describe the nature of the influence of proportionate change on the probability that a state will adopt E-Verify over longer periods of time. In Panel A of Figure 1, we display the probability that states with varying levels of proportionate change remain in the risk set across the five years of observation. In other words, each point in this graph represents the probability that a state at either the 5th, 50th, or 95th percentile of proportionate change has not yet adopted E-Verify at the end of a given year. As seen, the probability of adopting E-Verify by the end of this period is greatly affected by the nature of demographic change. For states with very low levels of proportionate change, the probability of remaining in the risk set by 2010 is about .95. For states with very high proportionate change, by contrast, this probability drops to about .60. Overall, the model strongly supports our key acculturation hypothesis. In contrast,
Figure 1. Predicted Probabilities of E-Verify Adoption Across Time. A. Percentiles of proportionate change (raw values in parentheses). B. Percentiles of construction contributions (raw values in parentheses).
we find no support for the power threat hypothesis ($B = 0.11$, n.s.), indicating that it is not the size of the foreign population per se that is critical in understanding the pattern of state E-Verify policy adoption, but rather the relative increase in the population. States experiencing large proportionate growth in their immigrant populations, and thus more pronounced change in their sociocultural environment, are the most likely to adopt E-Verify laws.

With respect to the other variables in the model, we find little empirical support, with one important exception. Specifically, we find a marginally significant influence of construction industry campaign contributions to incumbent state legislators and office seekers on the probability of adoption in a given year ($B = -0.60$, $p < .10$). Consistent with theoretical expectations, an increase in contributions predicts a decrease in the probability of E-Verify adoption. Holding all other variables at their central tendencies, a change in construction contributions from its 5th to its 95th percentile implies a decrease in the predicted probability of E-Verify adoption in a given period from .11 to about 0. As with proportionate change, we graph the implications of this effect for the entire period in Panel B of Figure 1. The pattern is very similar to that of proportionate change, but in the opposite direction. Increases in construction contributions increase the probability that a given state remains in the risk set through 2010.

As argued by Ward, Greenhill, and Bakke (2010), $p$ values are limited in their ability to address the relative influence of different predictors within a given model. The predictive power of a given variable is imperfectly associated with the level of significance it obtains. To further compare the influence of our predictors on state-level adoption of E-Verify, we followed the recommendations of Ward et al. and calculated each predictor’s contribution to the area under the ROC (receiver operator characteristic) curve using in-sample and out-of-sample estimates. The ROC curve plots the relationship between the probability of true and false positives derived from model estimates utilizing all possible choices of threshold (e.g., probability is greater than .50). The area under the ROC curve can be interpreted as the probability that a randomly chosen “1” from the data will have a higher estimated probability of being a “1” than a randomly chosen “0.” One can estimate the predictive power of each independent variable by comparing this latter value from the full model with the value from a model excluding the variable of interest. For the in-sample estimates, we utilize the model as estimated above. For the out of sample estimates, which help guard against over fitting of the data, we utilize predicted probabilities derived from estimates that exclude each state from the analysis one at a time. In other words, the probability of adoption for each state within a given year is derived from a model that excludes that state as a data point.

We display each variable’s contribution to the area under the ROC curve, using both the in- and out-of-sample estimates, in Table 2. Positive numbers imply a positive change in predictive power comparing the model without the predictor to the model with the predictor. Negative values imply just the opposite, a loss in predictive power as a function of the predictor’s inclusion. The estimates largely reinforce the findings above. The two best predictors of state adoption are proportionate change in the foreign-born population and contributions from the construction industry. Other
variables show weakly positive, and sometimes negative, contributions to predictive power. An interesting finding, however, derived from the out-of-sample estimates, is that construction contributions, in terms of its contribution to the area under the ROC curve, is the most powerful predictor of adoption. Overall, then, this second look at the importance of our predictors largely mirrors the findings above, suggesting the critical importance of both demographic change and interest group contributions to the adoption of E-Verify laws in the states.

### Conclusion

The E-Verify system is one of the newest faces in the use of information technology and government policy to constrict the size of the illegal workforce and curb illegal immigration in general. Newer still is the policy initiative being taken by individual states in voluntarily adopting state laws requiring or strongly incentivizing the usage of E-Verify among in-state employers. The E-Verify system stands out from existing control policies given that its locus of control is centered around the workplace rather than the border, and the location of law enforcement responsibility and legal liability on individual American employers. As an arena in which to test different theories of policy adoption, the E-Verify policy context is unique in its explicit association with the economic issues of labor and the employment. Given the policy’s explicit link to the economic realm, the present analyses provide a stronger test for symbolic factors, and a softer test for the detection of economic factors, than examinations of well-studied and more culturally oriented policies such as Official English or Bilingual Education.

How do the results from the present analysis of E-Verify policy adoption across the U.S. states line up with existing research? In short, several findings coincide with
extant research while a new and intriguing finding based on an original hypothesis illuminates an important dynamic underlying policy adoption. Consistent with much prior policy and opinion research on immigration, we find no support for the power threat hypothesis, with the size of a state’s immigrant population failing to have a significant impact on the likelihood of policy adoption. Furthermore, we fail to find evidence for economic threat based on objective measures of economic vulnerability, such as state unemployment rates and income levels. In addition, state-level liberal-conservative ideology, as an indicator of state political culture and the symbolic orientations of state citizenries, exerted a directionally predicted, although statistically insignificant, effect on policy adoption. This finding, while consistent with some research on state immigration policy (Schildkraut 2001), is largely inconsistent with a large body of research demonstrating the prepotency of symbolic orientations in explaining individual opposition to immigration. And last, in line with “capture” theories of interest group influence, we find a strong dampening effect of campaign contributions to candidates for state legislature by home builders and general contractors on the likelihood of E-Verify policy adoption.

The major contribution of this research comes in the form of the findings in support of our acculturation threat hypothesis. Our analysis demonstrates that as states experience a drastic proportionate growth in their immigrant population in the years leading up to federal authorization of E-Verify for state usage, so too is there a drastic spike in the state’s likelihood of adopting laws requiring or strongly incentivizing the use of the E-Verify system by in-state employers. These findings highlight an interesting disjuncture between the ostensible purpose of the E-Verify system and the interests underlying state policy adoption. While putatively designed to control the amount of illegal workers and immigrants within a state, the size of a states’ immigrant population did not serve as a significant basis for E-Verify policy adoption. Rather than reflecting an attempt by states to address economic distress or large absolute sizes in their immigration populations, the results suggest that the adoption of E-Verify laws by states act as more of a policy reaction or backlash to the experience of acculturation.

Finally, we believe that the finding for our acculturation threat hypothesis is sufficiently intriguing to warrant a more in-depth exploration in future research—perhaps within the context of previously studied immigration policies. We acknowledge that one limitation of the current study is that, while we observed a direct relationship between proportionate change and policy adoption across the states, we do not observe or incorporate into our analyses the intermediary mechanisms theorized to connect change to policy adoption. Indeed, aggregate state-level measures for some of the key mediating “objective” and “psychological” processes stipulated in our theory, such as changes to state residents’ local sociocultural landscapes and the resulting experience of “acculturative stress” or “culture shock,” are simply unavailable. Given this, we invite future research to assess the acculturation threat hypothesis at the level of individual opinion, where analyses could explore whether residing within local contexts experiencing higher levels of proportionate growth in the immigrant population
augment individual anti-immigrant sentiment and policy support, presumably through the theoretical mechanisms stipulated by our theory. If replicable in future research across multiple issues and levels of analysis, our acculturation threat hypothesis could represent a powerful and important approach to understanding political conflict over immigration.

Declaration of Conflicting Interests
The author(s) declared no potential conflicts of interest with respect to the research, authorship, and/or publication of this article.

Funding
The author(s) received no financial support for the research, authorship, and/or publication of this article.

Notes
1. Figures are obtained from the E-Verify homepage of the U.S. Immigration and Customs Services website: http://www.uscis.gov/portal/site/uscis
2. Safe harbor provisions of E-Verify laws, such as the one existing in the state of Tennessee, explicitly give employers who use the E-Verify system legal protection against sanctions for having undocumented workers as employees by providing them with the ability to claim that they have “established a rebuttable presumption” that they have “not knowingly hired an unauthorized alien” (U.S. Citizenship and Immigration Service, Department of Homeland Security). E-Verify laws involving safe harbor provisions, when combined with particularly harsh official penalties for hiring illegal workers—such as the E-Verify Law in Tennessee where employers that knowingly hire illegals or fail to adequately check the work eligibility of new hires can have their business license suspended for up to one year—constitute a particularly potent form of E-Verify legislation.
3. The status of E-Verify laws across the 50 states is dynamic, with new legislation being introduced, struck down, and passed on an ongoing basis. To obtain the most up-to-date information about the status of E-Verify laws across the 50 states for the present analysis, we cross-reference information about policy adoptions across multiple information sources, such as the National Conference of State Legislatures, LawLogix®, NumbersUSA®, i9Advantage®, Employment Background Investigations®, and state government websites.
4. In the context of methods for categorical dependent variables, this will often lead to what is known as “perfect separation,” or in other words a lack of variation in the dependent variable within cells formed by combinations of values on the independent variables.
5. Median household incomes across states for 2010 were not yet available at the time of this writing, and we impute this value using the 2009 figure. The values of median income across years are highly correlated (> .95).
6. Several considerations inform our selection of this time frame for measuring ethnic change. First, our theory, rather than pertaining to short-run effects linked to the mere arrival and increased presence of immigrants, focuses on the alterations to the sociocultural landscape surrounding citizens that are effectuated by immigrants as they inhabit an area over a longer
period of time. Second, leading studies on ethnic change in political science and sociology measure change over time spans roughly comparable in length with the one we selected (see Alexseev 2006; Citrin, Reingold, Walters, and Green 1990; Hopkins 2010; Green et al. 1998). Last, we view 1990 to 2006 as a politically relevant immigrant growth period defined by political events—initiated by the passage of the Immigration Act of 1990, which greatly increased the amount of immigration into the United States, and ending with the federal authorization of the E-Verify for state usage in the mid-2000s.

7. Ideology scores for incumbents are computed as the average of Americans for Democratic Action (ADA) and AFL-CIO Committee on Political Education (COPE) ratings for that year. As challenger ideology is unobserved, W. D. Berry et al. (1998) estimate it as the average of the ideology scores for all incumbents in the state of the challenger’s party. The weights are the proportion of the vote received by each candidate.

8. The percentage of Republicans in the state legislature was computed by taking the total number of Republicans in both the upper and lower chambers, divided by the total number of state legislators. This process was repeated for each state and for all years from 2006 to 2010.

9. For the agricultural industry, we collected data on the campaign contributions given by Crop Producers and Processors and Farm Bureaus and affiliated farm organizations/PACs. For the construction industry, we collected data on the campaign contributions given by Home Builders and General Contractors. Each of these industries has been identified as having a high density of undocumented foreign-born workers (Passel 2006).

10. Our education and urbanization controls relied on annual American Community Surveys and the 2000 Decennial Census. Education is the percentage in each state with at least a high school diploma for each year under analysis, and Urbanization is a static variable measuring the percentage within each state residing in a Census classified “urban” residential area in the year 2000.

11. To check the robustness of our results, we reestimated our model utilizing a complementary log–log link function, which is more robust to skewed dependent variables. There were no substantive or statistical differences in the estimates, and we retain the logistic coefficients for purposes of interpretation. The results of this analysis are available in the online appendix. We thank an anonymous reviewer for suggesting this analysis.

12. We thank an anonymous reviewer for suggesting this additional analysis.

13. The out-of-sample estimates exclude “border state” as a predictor. Including this variable led to perfect separation for some of the models. As this variable has little influence in the full model, we do not see this as a problem.

References


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