



LEFT BACK:

The Impact of SB 1070 on Arizona's Youth



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EXECUTIVE SUMMARY

In April 2010, the State of Arizona passed SB 1070, a law designed to reduce the size of Arizona's undocumented immigrant population through aggressive state enforcement of federal immigration laws. Its passage sparked worldwide controversy and debate. It also led to lawsuits challenging the law's constitutionality, and as a result, on July 28, 2010, one day before the law was scheduled to go into effect, a federal district court enjoined the law. This decision was subsequently upheld by the U.S. Ninth Circuit Court of Appeals, and a final appeal of the decision is currently pending before the U.S. Supreme Court, which has not yet decided whether it will hear the case.

Although SB 1070 was never actually fully implemented, there is no question that it has had real effects on the state. Most attention to date has focused on the legislation's impact on Arizona's economy. This report focuses on a different type of impact – one that may be less tangible but has equally serious implications for the future of the state: SB 1070's impact on youth. Based on over 70 interviews in seven different schools in Pima County, this report summarizes the perspectives of teachers, parents, and students themselves on how young people have been impacted by the law's passage.

The report's findings reveal a disturbing picture of youth destabilized, disillusioned, and disadvantaged by the passage of SB 1070. Their communities have been frayed by the departure of family members and friends. Their educations have been undermined by, among other factors, decreased school enrollments and the distress left in the wake of those departures. Many young people and their families also maintain a powerful mistrust of the public institutions around them, especially police, but also often extending to schools.

The key research findings are listed below and discussed in detail in the body of the report.

Social Disruption: SB 1070's passage led a significant number of immigrants to leave and/or debate leaving Arizona. These departures had a range of consequences for those left behind, including the loss of friends and family, social and academic problems, anxiety-related health effects, and the destabilization of schools.

- At one high school, a counselor specialized in working with students who lived without their parents. In a typical year, she reported working with between 40 and 60 students. In 2010-11, she worked with 120 such students. She attributed this leap to SB 1070, which caused many parents to leave the state and leave their children behind to complete their schooling.
- Several high school personnel shared their suspicions that SB 1070 triggered an increase in teenage marriages for immigration purposes.

- Nurses and health staff for several schools reported an increase in stress-related health problems of students in their schools in the aftermath of the law’s passage.
- Several schools reported lost funding and resulting job cuts due to dropping school enrollment numbers.

Institutional Mistrust: SB 1070’s passage and signing reinforced and deepened an existing mistrust of institutions in the immigrant community. This mistrust reshaped people’s daily routines and reduced their civic and social engagement. It extended not just to law enforcement but also, at least in some cases, to schools as well.

- One elementary school teacher described students telling her that their families are unable to go out in public because of fear that the police might stop them.
- One school principal spoke of having to convince parents his school was safe after receiving several calls from parents in the aftermath of SB 1070 who had heard that there were immigration “sweeps” going on in his school.
- Six out of 15 youth interviewed said they would not call the police in all situations because of fear that the police would contact immigration authorities.
- A number of parent liaisons and counselors reported drops in attendance at parent meetings at school after SB 1070 passed. At one high school, a teacher described a sharp drop in parents coming to her teacher conferences. She went from having 15 or more parents attend her meetings a few years ago to having two this year.

Policy Implications

SB 1070’s stated goal was “attrition through enforcement:” to reduce the state’s undocumented immigrant population through the aggressive enforcement of immigration laws. While this report’s participants suggest that many people did in fact leave Arizona, their accounts also confirm that this attrition was incomplete, haphazard, and very damaging to those who remained. A large and especially vulnerable youth population was left behind. They were forced to deal with pervasive fear and uncertainty, smaller and less-resourced schools, and a growing mistrust of institutions meant to serve them. Merely through its passage and signing – without ever fully becoming the law of the state of Arizona – SB 1070 wrought destructive consequences for young people in the state, both citizens and noncitizens.

This report documents that SB 1070 had many unforeseen consequences for youth, including young adults without their primary caregivers, early teen marriages, stress-related health issues, declines in high school attendance and performance, lack of parental involvement in schools, and increasing reluctance to contact the police. These consequences come with real social and economic costs for the state, and should be a prime consideration for other states considering similar legislation.

I. INTRODUCTION

In the spring of 2010, the Arizona State Legislature passed Senate Bill 1070, the “Support Our Law Enforcement and Safe Neighborhoods Act.” The Bill, signed into law by Governor Jan Brewer on April 23, 2010, made it a state crime to be present in the United States without authorization, and empowered police to inquire into the immigration status of any person they stopped with a “reasonable suspicion” of unlawful presence.¹ On July 28, a federal district court enjoined much of the law, finding a number of its provisions to be in conflict with federal law.² It was scheduled to go into effect the next day. This decision was subsequently upheld by the U.S. Ninth Circuit Court of Appeals, and a final appeal of the decision is currently pending before the U.S. Supreme Court, which has not yet decided whether it will hear the appeal.³

The passage of SB 1070 sparked national and international controversy. Public demonstrations took place both in Arizona and elsewhere.⁴ A number of foreign governments came out against the law—a highly unusual reaction to state legislation.⁵ Even within Arizona, some public officials openly renounced the law.⁶ Rarely has a state so explicitly attempted to enforce federal immigration policy. In doing so, the law

¹ SB 1070 had many other provisions, including prohibitions on the transport of an alien in furtherance of illegal presence, the concealment, harboring, or shielding of unauthorized aliens, A.R.S. § 13-2929, and the act of hiring or being hired from a vehicle “that blocks or impedes the normal movement of traffic.” A.R.S. § 13-2928.

² *United States v. Arizona*, 708 F.Supp.2d 980 (D. Ariz. 2010).

³ *United States v. Arizona*, 641 F.3d 339 (9th Cir. 2011).

⁴ See, e.g., *Hundreds protest as SB 1070 takes effect*, ARIZ. REPUBLIC, July 30, 2010; *A New York Protest of Arizona Immigration Law*, N.Y. TIMES CITY ROOM BLOG, July 29, 2010, available at <http://cityroom.blogs.nytimes.com/2010/07/29/a-new-york-protest-of-arizona-immigration-law>; Sarah Talalay, *Protestors Rally Against Arizona Law*, SUN SENTINEL (Ft. Lauderdale), May 18, 2010; *SB 1070 Protests in Yuma, Somerton, San Luis*, YUMA SUN, May 6, 2010; *Estimated 50,000 Protest Arizona Immigration Law in L.A.*, THE DESERT SUN, May 2, 2010; *Immigration Law Protested by More than 2,500 at State Capitol*, ARIZ. REPUBLIC, Apr. 25, 2010.

⁵ The Mexican government registered its opposition to SB 1070 by filing amicus briefs in both the federal government’s lawsuit against Arizona, and that of a coalition of advocacy groups, *Friendly House v. Whiting*, No. CV-10-01061-MEA (D. Ariz. 2010). See Brief of United Mexican States as Amicus Curiae in Support of Plaintiff-Appellee, *United States v. Arizona*, No. 2:10-CV-10-1413, 649 F.3d 339 (9th Cir. 2011), Brief of United Mexican States as Amicus Curiae in Support of Plaintiffs, *Friendly House, et. al. v. Whiting*, No. CV-10-01061-MEA (D. Ariz. 2010). Ten other foreign states joined Mexico in its amicus of the Ninth Circuit appeal. *Brewer Blasts 11 Nations’ Court Briefs on SB 1070*, ARIZ. REPUBLIC, Oct. 6, 2010.

⁶ In Pima County, Sherriff Clarence Dupnik stated that his agency would only enforce the law if forced to do so. *Dupnik Says He Will Enforce AZ Immigration Law If ‘Forced To Do So,’* ARIZ. DAILY STAR, April 28, 2010. Phoenix mayor Phil Gordon also came out against the law. Phil Gordon, Op-Ed., *Not in my state: Anti-immigration law does not reflect the beliefs of Arizona’s people*, WASH. POST, April 24, 2010.

authorized action by local police that critics believe to be unconstitutional, racist, and socially destructive.⁷

SB 1070 supporters believe, and critics fear, that it is a national model. Since its passage, a number of states have considered similar forms of immigration enforcement legislation. Georgia, South Carolina, Indiana, Utah, and Alabama have all enacted laws granting increased immigration enforcement power to police and/or creating state crimes related to immigration.⁸ Just as in Arizona, these laws now face legal challenges; some are currently enjoined.⁹

Because of the law's national significance, a number of reports have already come out that assess its impact on the state, its economy, and its population.¹⁰ This report aims to capture an aspect of the law's impact that has not yet been assessed: the impact of SB 1070 on Arizona's youth. By youth, this report means school- and college-age individuals.

There are three main reasons to focus on youth. First, young people represent a large proportion of the state's population. In fact, people under the age of 18 make up 25.5 percent of the state's general population;¹¹ immigrant youth are estimated to make up about one-third of the state's total under-18 population.¹² Any attempt to assess the

⁷ In its brief in *United States v. Arizona*, the federal government argued that SB 1070 is unconstitutional. Pima County Sheriff Dupnik, *supra* n. 6, was among those who regarded the law as flatly "racist."

⁸ Alabama's in particular goes further to attempt to reduce the undocumented immigrant population through force of state law. Among that law's provisions is a requirement that public schools determine and record the immigration status of every enrolled student.

⁹ See, e.g., Order, *Hispanic Interest Coalition of Alabama, et al., v. Bentley*, No. 5:11-CV-02484-SLB (N.D. Ala. Aug. 29, 2011) (temporarily enjoining Alabama HB 56 without addressing merits); *Georgia Latino Alliance for Human Rights, et al., v. Deal*, No. 1:11-CV-1804-TWT (N.D. Ga. June 27, 2011); *Buquer, et al. v. City of Indianapolis*, No. 1:11-CV-708-SEB-MJD (S.D. Ind. June 24, 2011); *Utah Coalition of La Raza, et al., v. Herbert, et al.*, No. 2:11-CV-401-CW (D. Utah May 11, 2011).

¹⁰ See PHILIP E. WOLGIN & ANGELA MARIA KELLEY, CENTER FOR AMERICAN PROGRESS, YOUR STATE CAN'T AFFORD IT: THE FISCAL IMPACT OF STATES' ANTI-IMMIGRANT LEGISLATION (2011), available at http://www.americanprogress.org/issues/2011/07/pdf/state_immigration.pdf; MARSHALL FITZ & ANGELA KELLEY, CENTER FOR AMERICAN PROGRESS, STOP THE CONFERENCE: THE ECONOMIC AND FISCAL CONSEQUENCES OF CONFERENCE CANCELLATIONS DUE TO ARIZONA'S SB 1070 (2010), available at http://www.americanprogress.org/issues/2010/11/pdf/az_tourism.pdf; BBVA RESEARCH, MEXICO MIGRATION OUTLOOK: NOVEMBER 2010 18-23 (2010) (hereinafter "BBVA RESEARCH"), available at http://www.bbva.com/KETD/fbin/mult/1011_MigrationOutlookMexico_04_tcm348-234630.pdf?ts=1372011 (estimates on population declines as a result of SB 1070's passage).

¹¹ U.S. CENSUS BUREAU, POPULATION BY SEX AND SELECTED AGE GROUPS FOR THE UNITED STATES, REGIONS, STATES, AND PUERTO RICO: 2010, available at <http://www.census.gov/prod/cen2010/briefs/c2010br-03.pdf>.

¹² Jeffrey S. Passel, *Demography of Immigrant Youth: Past, Present, and Future*, 21 J. OF THE FUTURE OF CHILDREN 1 (2011), available at <http://futureofchildren.org>.

overall impact of SB 1070 must take into account the ways it affects this sizable and distinctive population.

Second, many youth are members of “mixed status” families, in which some family members have legal immigration status and others do not. A 2006 study estimated that 4.9 million children in the United States live in such families and that, of these, 3.1 million (64%) were born in the United States and are therefore citizens.¹³ If U.S. citizen and legal permanent resident youth are impacted by SB 1070 as a result of its impact on their families, policy-makers should take note. A law that takes a lasting toll on U.S. citizen youth may raise different concerns than a law that “only” targets the undocumented immigrant population.

Finally, it is well established that in the United States, youth, regardless of immigration status, are constitutionally guaranteed a K-12 education. This law, established by the Supreme Court in *Plyler v. Doe*, 457 U.S. 202 (1982), is premised on the fact that immigrant youth merit special consideration in light of their innocence (if they are undocumented, they played no role in the decision to migrate) and promise (if they obtain an education, they have potential to contribute to society in productive rather than destructive ways). Because of the special considerations presented by youth and schools when it comes to immigration enforcement efforts, any attempt to fully assess SB 1070’s impact must consider how it has affected this distinctive population.

II. BACKGROUND AND METHODOLOGY

The challenges posed by this research are significant. Perhaps the greatest challenge is to how to isolate the effects of SB 1070 from other significant factors shaping the experiences of youth and immigrant families. The law’s passage coincided with a period of sharp economic decline, both in Arizona and nationally. In addition, SB 1070 is not the only legislation impacting immigrant families and youth.

On the contrary, SB 1070 was the most recent and dramatic of a series of laws with harsh effects for the state’s undocumented immigrant population. In 2008, the legislature passed the Legal Arizona Workers Act, which aims to crack down on businesses that knowingly hire undocumented workers, and requires employers to use a federal database, E-Verify, to verify employment authorization for all new employees.¹⁴ Also in 2009, HB 2008 went into effect, which requires applicants for public assistance from the state to prove their legal status, and requires Arizona state agencies to report the

¹³ JEFFREY S. PASSEL, PEW HISPANIC CENTER, THE SIZE AND CHARACTERISTICS OF THE UNAUTHORIZED MIGRANT POPULATION IN THE U.S. 8 (2006), available at <http://pewhispanic.org/files/reports/61.pdf>.

¹⁴ A.R.S. § 23-312, *et seq.*

names of any undocumented immigrant applicants to the federal government.¹⁵ Youth in particular had already been affected in 2006, when Arizona voters passed Proposition 300, which prohibits state financial assistance to college students who cannot prove their legal immigration status.¹⁶

In addition to these state laws, the climate for immigrants in Arizona has been shaped by 287(g) agreements, in which state law enforcement agencies and the federal government agree to cooperate in the enforcement of federal immigration laws. Some of the state's largest law enforcement agencies currently participate in the 287(g) program, including the Maricopa County Sheriff's Office, the Pima County Sheriff's Office, the Arizona Department of Public Safety, and the Arizona Department of Corrections.¹⁷ Thus, as a matter of practice, even before SB 1070, many local Arizona law enforcement officers held authority to enforce immigration laws.

Between this increased police power and the restrictive legislation cited above, Arizona's immigrant families and youth were already feeling the strains of a state apparatus opposed to their continued presence before the passage of SB 1070. One of the greatest challenges posed by this research was disentangling the effects of SB 1070 from these other factors. Given this complex landscape, the research required a qualitative approach. Through interviews, the nuances and complexities of the law's impact can be presented more effectively than would be captured through quantitative data. In addition, relatively little time has elapsed since SB 1070's passage, which makes it difficult to assess the law's relationship to quantitative metrics like grades and standardized test scores.

The data that form the basis of this report's analysis are drawn from over 35 hours of interviews with young people, their families, and public school personnel. Recruiting focused on seven public schools in two school districts in Pima County. The researchers selected public schools known to serve immigrant communities alongside other groups. The researchers received advanced permission from the school districts and individual schools to recruit and conduct interviews.

The researchers interviewed 70 individuals for this study: 27 parents of public school students, primarily of elementary school age; 27 individuals who work with youth, primarily as school teachers, administrators, and other staff;¹⁸ and 17 youth, ranging in

¹⁵ A.R.S. § 1-501, 1-502.

¹⁶ A.R.S. § 15-1825.

¹⁷ U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, FACT SHEET: DELEGATION OF IMMIGRATION AUTHORITY SECTION 287(G) IMMIGRATION AND NATIONALITY ACT, *available at* <http://www.ice.gov/news/library/factsheets/287g.htm#signed-moa>.

¹⁸ Of the school personnel, the researchers interviewed 6 counselors, 7 principals or assistant principals, 7 teachers, 2 parent liaisons, 3 school nurses, and several other administrative personnel. Nine were from high schools, 7 were from elementary schools, and 10 were from middle schools or schools in which elementary and middle school were combined.

age from 14 to 20. Of the youth interviewed, roughly half had legal immigration status. Of the parents, the majority did not have legal immigration status. All participants reviewed disclosure forms regarding the voluntary and confidential nature of the research, and all minor participants and their legal guardians signed informed consent forms prior to their interviews. Researchers asked participants a series of questions based on a script; however, no two interviews followed an identical order or set of questions.

It is worth noting that this was a self-selected group. Recruitment largely occurred within public school classrooms. For every student who agreed to participate, many more declined. A few openly expressed their concern and skepticism about their personal information reaching immigration authorities. Thus, while these interviews offer a window into the law's impacts, it is an inherently limited and incomplete view, given the many people and perspectives not reached through this research method.

III. KEY FINDINGS

Through the interviews conducted, several recurring themes emerged when participants talked about how SB 1070 affected young people. The themes can be roughly divided into two areas: social disruption and institutional mistrust.

First, across the board, parents, youth, and school personnel reported that the law's passage led many families or family members to leave Arizona, often suddenly. These sudden departures of family members and friends created upheaval that impacted young people's academic performance, personal health, and emotional stability. The far-ranging consequences of this social disruption are discussed in Section 1.

Second, the law's passage exacerbated an existing mistrust of public institutions. This clearly impacted the way youth viewed and interacted with law enforcement. It also shaped immigrant youth and their families' relationships with schools as institutions. The findings related to institutional mistrust are discussed in Section 2.

1. SOCIAL DISRUPTION AND ITS CONSEQUENCES FOR STUDENTS, FAMILIES, AND SCHOOLS

SB 1070's most tangible impact on Arizona's youth related to the many people who left the state in its wake. Of all the issues that came up over the course of interviews, the facts and consequences of departed families were the most frequently discussed and, for many individuals, the most emotional. For youth, there were several key consequences. The first was the simple fact that they lost family members, friends, and neighbors who left the state. This disrupted students' support networks. Many youth struggled with their families over the decision to stay or go. Some ultimately separated from their families. It

also meant lower school enrollments, a trend that had its own consequences for the education and services that schools could offer to their students.

A. Flight from the State

As previously discussed, SB 1070 was not the first state law in Arizona that attempted to address unauthorized immigration through punitive measures. However, its passage was the most dramatic. All adult participants described learning about or getting continued information about the law from television and radio media. For the family members and youth interviewed, it became a key topic at home. Several participants used the words “panic”¹⁹ and “fear”²⁰ to describe the reactions to the law in immigrant households after the law passed. While the law’s passage triggered national debate regarding immigration policy, the people who saw themselves as SB 1070’s intended targets debated what to do on a far more personal level: should they stay or go?

Nearly every participant in the study discussed the phenomenon of people leaving Arizona over the past year. For the majority, this was a personal issue. When participants discussed families leaving, they meant neighbors,²¹ friends,²² students,²³ and family members.²⁴ The interviews revealed several trends and patterns about the departures and those who took part.

1) The Character of Departure

The process by which people left was as notable as the very fact that it happened. Some people made the decision to leave nearly immediately after SB 1070 was signed into law in April 2010. One school employee described the scene at the time:

“Families were talking about it. Families were actually talking about moving. We had a few families come to us

¹⁹ P1, P3, P16, A9. In order to maintain participants’ anonymity, the citations here and in the remainder of the report refer to the source of each comment by numbers assigned to each subject, preceded by either “Y” for youth, “P” for parent or family member of youth, and “A” for other adult involved in serving youth, the great majority of whom were school personnel, including teachers, administrators, and other staff members. All names used to reference individual participants are pseudonyms.

²⁰ P1, P3, P4, P5, P7, P8, P19.

²¹ A7, Y17.

²² P1, P4, P5, Y14.

²³ A1, A11, A20.

²⁴ Y2, Y9. Adults also discussed instances of young people preemptively separated from families. *See infra* Section III(1)(B)(2), “Youth Left Behind.”

*and say, 'we have to move, we're leaving at the end of the week,' and they packed up and left."*²⁵

That same person, employed in a position that involves working directly with parents, stated that she knew families "who left literally in the middle of the night, out of fear" with few determined plans.²⁶

One parent described the fear that led people to leave:

*"[People] do not feel freedom to work, to go out, to eat—you're scared to go out and eat! [Even when] you sleep, you feel like immigration [authorities] will be at the door."*²⁷

A middle school counselor observed in April 2010 "a lot of talk among [students], whether they were going to see each other next year."²⁸

Not all departures were so sudden. A number of interviews noted that some families chose to leave during the summer so that children could finish up the school year.²⁹ Others still noted that some families took a "wait and see" attitude.³⁰ That includes a few participants who said that they themselves may still leave Arizona.³¹

In most cases, SB 1070 was not the only factor that these families and individuals took into account when deciding to leave. Many (11 out of 27 parents, 8 out of 27 school personnel) stated that they knew the economy and/or job market was an important factor in the decisions to leave. However, in most cases, SB 1070 was the last straw, the determinative factor that led to a decision to leave the state. All of the 14 participants who discussed the motives for those they knew who left Arizona said that they knew the law was a key factor in the decision.

One parent laid it out as such:

²⁵ A4.

²⁶ A4 ("... families just packed up their cars and left, without necessarily knowing where they were going.").

²⁷ P8.

²⁸ A10.

²⁹ A4, A19, A10, A15, P4.

³⁰ A4, P3, P4.

³¹ P4, P5.

“We’re stressed about not having work and not getting paid. We’re stressed about our kids not having everything they need. We’re stressed about [keeping things together] at home, as parents. And still more stress? It’s too much.”³²

As one school administrator stated, many of those who left over the previous year “were talking about work” and their struggles to find it.³³ One parent participant actually moved her family to New Mexico last summer after SB 1070 passed, but chose to return to Tucson because her spouse could not find work in their new city.³⁴

2) *Where Did People Go?*

Participants’ responses to questions regarding where people moved suggested a broad mix. While some returned to Mexico, many left for other states. New Mexico³⁵ and California³⁶ were the most commonly cited destinations, but some interviewees also mentioned farther-away states.³⁷ According to participants, those who left sometimes said they were going to where they already had family, whether in or out of the United States.³⁸

3) *How Many People Left?*

This study was not designed to measure the scale of post-SB 1070 departures from Arizona. Very few studies to date have undertaken such an analysis,³⁹ and demographic analysts disagree on whether the legislation has had a notable impact on overall population numbers in the state.⁴⁰

³² P21.

³³ A2.

³⁴ P4.

³⁵ A2, A15, P4, P3, Y11.

³⁶ A2, A11, A13, Y7.

³⁷ Participants also mentioned Texas (A11, Y14), Washington (P20, A15, P24), Nevada (A2), and the Carolinas (P8).

³⁸ A4, P4.

³⁹ BBVA RESEARCH, *supra* n. 10.

⁴⁰ See, e.g., John Faherty and Ronald Hansen, *Arizona Immigration Law: Population Analysts Clash over Bill's Impact*, THE ARIZONA REPUBLIC, Dec. 22, 2010; Daniel Denvir, *Did Immigration Law Cost Arizona a Seat in Congress?* War Room, January 5, 2011, available at www.salon.com/news/politics/war_room/2011/01/05/arizona_census_congress.

When researchers discussed the impact of SB 1070 on participants' lives, however, departures were a strong recurring theme. A few attempted to estimate the number of people they personally knew who had left. One school parent liaison cited four families with whom she was particularly close.⁴¹ One parent said she knew of 15 people who left Arizona in the months immediately following the law's passage⁴² another said she knew of 20.⁴³

More often, participants described their neighborhoods, particularly on the heavily immigrant south side of Tucson, as simply emptier. One teacher mentioned regularly visiting swap meets frequented by many local Tucson immigrants. Of those same swap meets over the past year, she noted "a big difference... a lot of our parents did not come back."⁴⁴ A parent described "many stores" closed in the past year,⁴⁵ and another stated that he doesn't see "that many people out... like there used to be... it feels like a ghost town."⁴⁶ As will be discussed in Section III(2), this emptiness may be in part due to the way SB 1070 changed the daily patterns of those who chose to stay, but it also suggests a significant population loss in the law's aftermath.⁴⁷

B. What This Social Disruption Meant for Youth

The sudden departures of immigrant families from Arizona after the law's passage had an obvious impact on those who departed, but they are also noteworthy because of what they meant for those who chose to stay. The many people who remained in Arizona were left to deal with uncertainty, loss, and fear. Each family had to decide for itself whether to stay or go while also dealing with the consequences of losing friends,

Any attempt to assess the impact of SB 1070 on the immigrant population in the state as a whole must contend with the complex national trends in migration. On the one hand, it appears that there has been a marked decline in the rate of immigration in recent years. *See, e.g.,* Damien Cave, *Better Lives for Mexicans Cut Allure of Going North*, N.Y. TIMES, July 6, 2011. At the same time, there is an increasing reluctance on the part of immigrants who have already settled in the country to leave. Douglas Massey, *It's Time for Immigration Reform*, GLOBAL PUBLIC SQUARE, July 7, 2011 (discussing studies that indicate long-term undocumented Mexicans are unlikely to leave), *available at* <http://globalpublicsquare.blogs.cnn.com/2011/07/07/its-time-for-immigration-reform/>.

⁴¹ A7.

⁴² P13.

⁴³ P8.

⁴⁴ A1.

⁴⁵ P18.

⁴⁶ P15.

⁴⁷ *See infra* Section III(2)(B), "Acute fears of law enforcement."

neighbors, and classmates. This unsettling reality impacted young people in ways far removed from the intended effects of SB 1070.

1) The Strenuous Deliberation over Whether to Leave

All of the discussion about families who chose to leave Arizona may obscure the difficulty of that decision. The fact is that many families who chose to stay went through the very same decision-making process. The decision to uproot one's family on short notice is fraught with personal and financial implications. Those who considered leaving but ultimately chose to stay were not spared that strain.

Seven out of 15 parents questioned about the decision and six out of 17 youth stated that their families seriously considered leaving Arizona over the past year, and that this process was sparked at least in part by SB 1070's passage. The deliberation process was a major source of stress, even for those who chose not to leave. One interviewee described tension within her family over their potential departure from Arizona, which eventually led her parents to "shift apart."⁴⁸ As a result, she decided to withdraw from college and return to Tucson to help the family financially while her parents separated.

***One Student's Story: Yesenia
Dropping Out of College to Deal with SB1070's Fallout on Family***

Yesenia is a U.S. citizen, born and raised in the U.S. to parents from Mexico. She spent her entire childhood in Tucson and, after graduating high school, enrolled at Arizona State University to study journalism. When SB 1070 passed in the spring of 2010, she was finishing her freshman year. Back in Tucson, her parents, who held visas but not work authorization, began to consider leaving the country with her younger siblings.

Yesenia worried about the prospect of her parents and siblings leaving the state, which became an increasingly real possibility after the law's passage. On top of the law's uncertainty, work had slowed down for Yesenia's father, a carpenter. She asked her parents if they would stay if she moved back home and helped support the family. Her parents agreed that this was a good idea, so Yesenia withdrew from college and returned home.

Now back in Tucson, Yesenia is working while taking classes at the local community college. For the summer, she is working two jobs. Some of her friends have told her that she made a poor decision— that "she had it all and came back," that she "could have just kept going without worrying about [her] family and just moving on." Of these friends, Yesenia says they simply do not understand "how big the worry can be."

⁴⁸ Y17.

One Student's Story: Yesenia (cont'd)

Originally, Yesenia's plan was to work as a journalist while pursuing an advanced degree in psychology. Despite leaving school, she remains optimistic. Now, she says, "I'm still going to be a psychologist. But I don't know how long it will take."

Other students described conflicts with their parents over the decision. In the words of one high schooler:

*My mom [wanted to leave], but I told her I wasn't going to leave. She was thinking [that] maybe we should. I was like, 'no, if you want to, you can.' I didn't want to. I was basically like: this is where I grew up. This is all I know.'*⁴⁹

In some cases, stress from these deliberations impacted students' performance in school. At one high school, a counselor assigned to academically challenged students noticed an increase in students with academic difficulties in the aftermath of the law's passage.⁵⁰ Eventually, some of these students revealed that they were particularly stressed because their families were considering leaving the state.

2) *Youth Left Behind*

Young people lost relatives, friends, and classmates as a result of SB 1070. Of seventeen youth interviewees, 12 stated that they personally knew people who left. One parent of elementary school-aged children described her children coming home from school and saying that their "teacher was sad because another child left" school and, by implication, the state.⁵¹ She also described her children coming home in tears in the weeks after SB 1070, feeling angry or frustrated.⁵²

Some families voluntarily separated in the face of the law, with parents making the choice to leave their children in Arizona to continue their schooling. Interviews with

⁴⁹ Y14.

⁵⁰ A19 (When asked if there was a relationship between the academic problems and SB 1070, the participant responded, "Oh yeah—very obvious. That's when we would bring them in. It's only when that caring teacher emails the counselor or we run into them, and it's like, no wonder you have straight Fs! You're dealing with all this at home, and top of that, you're undocumented?").

⁵¹ P3.

⁵² *Id.*

counseling staff at two high schools described an increasing trend of students living with extended family after their parents opted to leave Arizona in the past year.⁵³ Some lived with uncles and aunts, some with cousins barely older than themselves.⁵⁴ At one school, a counselor specialized in working with students who lived without parents. In a typical year, she reported working with between 40 and 60 students. In 2010-11, she worked with 120.⁵⁵

In discussing this issue, several school personnel emphasized that many of the young people caught up in these situations were in a precarious position before the separation or departure. They came from typically low-income homes and attended resource-strapped public schools. That SB 1070 led families to leave and in some cases separate exacerbated the baseline instability in their lives. A school staffer described the law as “one more complication in hard lives.”⁵⁶ An administrator said that “kids feel it in different ways; there are so many different things... it’s like, here goes another one... It’s sad to say, but our kids, our community, are somewhat numb to it.”⁵⁷

3) Distress and its Consequences at School

The stress generated by SB 1070 manifested itself on school grounds in a variety of ways. Some younger children expressed their distress through play. A parent volunteer at an elementary school recounted seeing children “giving little pieces of paper to the other kids.” Despite their age, “some of them understand” the meaning on some level. “They would tell the other kids, ‘have these papers so that they don’t stop and take you.’ They were afraid.”⁵⁸ A fellow parent added that she heard children talk about “loaning” papers to friends “so that they won’t get taken.”⁵⁹

At another elementary school, a school official described what took place after a couple of children saw a U.S. Border Patrol vehicle assist at a car accident within view of their schoolyard:

⁵³ A19, A20, A24.

⁵⁴ A20.

⁵⁵ A24.

⁵⁶ A13.

⁵⁷ A12.

⁵⁸ P20.

⁵⁹ P19.

*They saw the truck and they said, 'oh look—the Border Patrol is there! I hope those people are legal.' And then they turned to me and said, 'we're not legal.'*⁶⁰

The children were second graders.

At some schools, staff and administrators believed that SB 1070 exacerbated already existing divides between students on the basis of immigration status. A middle school assistant principal described “gallows’ humor” between immigrant and non-immigrant, typically Chicano, students.⁶¹ At an elementary school, a parent liaison recalled:

*I observed kids in the playground saying, well, you're not legal and I'm legal, and you shouldn't be here. And we had to work with the older kids to say, 'look, kids are kids and you're all here to learn.'*⁶²

At another elementary school, staff and administrators noted “increased agitation” and aggression issues among students post SB 1070.⁶³ In fact, such issues became so prominent in the 2010-11 school year that the school expanded the amount of counseling groups it offered for children with anger issues.⁶⁴ The school officials believed that the need for expanded services was triggered at least in part by SB 1070.

In addition to increased anger and aggression issues, some schools also reported an increase in stress-related health problems as a result of the passage of the law. At one middle school, the school nurse cited a marked increase in the number of stress-related ailments with which they dealt in 2010-11.⁶⁵ The nurse at this school also performs the same role at two other schools, and noted that she saw this elsewhere, as well. At an elementary school, an administrator noted “more upset stomachs going to the nurse’s office,” and speculated that children “are seeking out different ways to get comfort.”⁶⁶ At a middle school, the health staff reported a similar trend, acknowledging that while the precise cause is “hard to pinpoint,”⁶⁷ they are seeing an increase in “subtle things like

⁶⁰ A2.

⁶¹ A22.

⁶² A4.

⁶³ A11, A14.

⁶⁴ A11, A14.

⁶⁵ A21.

⁶⁶ A11.

⁶⁷ A21.

headaches, stomach aches—all of the things that would be a result of anxiety.”⁶⁸ A high school nurse reported an increase in April 2010 in “migraines, panic attacks, heart palpitations, [and] crying.” Students from “many of those families,” the nurse said, “ended up leaving.”⁶⁹

For older students, several high school personnel shared their suspicions that SB 1070 triggered an increase in teenage marriages for immigration purposes. When asked what changes SB 1070 had created at her school, one high school counselor responded, “One thing I’m noticing more this year is students getting married.”⁷⁰ She recalled one student in particular whose stance on her relationship changed suddenly from seeking counseling to marrying her boyfriend. The counselor was suspicious because the student’s mother “was basically encouraging her to get married because her boyfriend could immigrate her.” Of another student, she described getting the sense from the student that “she just thought this [marriage] was what she needed to do.”⁷¹ The nurse at a different school recounted a student whose mother told her after the SB 1070 passed to “get married as soon as possible.”⁷²

Some students also struggled academically as their families deliberated over whether to leave Arizona. In one instance discussed above, a high school counselor noticed that a number of stressed and struggling students she dealt with in Spring 2010 were from families who were thinking about leaving the state.⁷³ Another counselor saw particular issues amongst several immigrant boys that spring: “they get angry, they ditch, they come late, they don’t participate in the tutoring programs.”⁷⁴ When the counselor talked to the boys about what was happening, their responses were revealing:

Many of my male students talk about [how]... ‘it doesn’t matter...’ When it comes time to call them in for low grades or not being here, what I got a few times was ‘well, vamos a ir, en todos maneras no nos quieren aqui.’ [well, we’re going to leave; we’re not wanted here anyway.]⁷⁵

⁶⁸ A21, A22.

⁶⁹ A13.

⁷⁰ A20.

⁷¹ A20.

⁷² A13.

⁷³ A19.

⁷⁴ A20.

⁷⁵ A20.

At the elementary school level, one school administrator described reports from teachers in the months following SB 1070 noting that “a lot of kids [are] losing their focus in the classroom—[they are] not able to retain [information] as well” as they could before the law’s passage.⁷⁶ On the other hand, several parents of young children stressed that they worked to maintain normalcy to the extent possible, sometimes avoiding the subject altogether because of how young their children were.⁷⁷

4) *Decreased School Enrollment*

In addition to these immediate personal effects, the departures had significant consequences for schools as institutions. Many schools around the state, including some whose personnel participated in this study, reported reductions in enrollment from 2009-10 to 2010-11.⁷⁸ One elementary school began the year with over 100 fewer students than it had the year before. This was a loss of over ten percent of the student body, and at a school that had previously grown.⁷⁹ Another elementary school in the study lost approximately eight percent of its student body, and one of its peer schools (not a study participant) lost ten percent of its students in the same time span.⁸⁰

As might be expected, such drops were particularly acute among the English Language Development (ELD) population. One middle school ELD teacher has taught a section of introductory-level English in recent years. He described how in 2009-10, that class had nine students. In 2010-11, he had three.⁸¹ A high school ELD teacher said that her student body reduced so dramatically that she would no longer be assigned to those classes because of reduced need.⁸²

Interviewees who raised this issue could not attribute these declines solely to SB 1070’s passage. The ELD teachers’ reduced workloads were at least partially the result of testing changes meant to move children more quickly out of ELD programs. The poor economy may also be impacting school enrollments. However, when considered

⁷⁶ A11.

⁷⁷ P1, P4, P5, P7, P8.

⁷⁸ See, e.g., *Arizona Immigration Law May Have Cut into School Enrollment*, ARIZ. REPUBLIC, July 30, 2010; *Economy, SB 1070, Aging Communities Result in Fewer E.V. Students*, EAST VALLEY TRIBUNE, Sept. 17, 2010 (officials in Mesa, Arizona’s largest school district, discuss SB 1070 as the largest of several factors, including the poor economy, accounting for decreased enrollment there).

⁷⁹ A4.

⁸⁰ A11.

⁸¹ A5.

⁸² A16.

alongside the widespread accounts of departing families, it is difficult to dismiss the notion that SB 1070 contributed to making classrooms emptier.

One Student's Story: Claudia

Struggling to Hold onto Career Ambitions Amidst the Turmoil Created by SB 1070

Claudia is currently enrolled in a Tucson-area high school. Born in Mexico, Claudia's family moved to the United States when she was five years old. She moved to Tucson when she was seven, and has lived there ever since. Her youngest siblings were born here in the United States. In April 2010, when SB 1070 was signed into law, difficult conversations began at home. Her mother considered moving the family, but Claudia urged her strongly against it, telling her that her life here was "all [she] knew."

"I've always been into school," she explained. "I want to be a doctor." Still, SB 1070's passage affected even this. "My interest in school has always been high, but when this happened, it . . . brought me down." She heard rumors that schools "wanted to start asking for [immigration] papers." "I was like, great, my career is done."

Her situation worsened in the fall of 2010, when her mother was stopped by police for driving with a broken taillight. When Claudia's mother could not produce identification, the police called immigration authorities. Claudia described her thoughts, "In that moment, I thought the world was falling apart." Over the next few months, her grades in school plummeted, and doctors told her that stress was contributing to headaches, stomach problems, and heart rate fluctuations.

Claudia's mother is currently in removal proceedings and has an attorney. There is a chance she may yet be granted relief from deportation and, with it, legal status in the United States. That remedy would extend to Claudia, who was still a minor when her mother was stopped.

In the meantime, Claudia continues to make plans despite the uncertainty. She plans to go to college, and thinks right now that she would like to work as a physical therapist in the future. She says that she has stayed in Arizona because "I've always been here. I grew up here—maybe not since I was born, but this is where I grew up. This is where I'm making my life." She also says that she is "kind of afraid" to go to college as an undocumented student. "But if you don't take risks, you... stay stuck."

Emptier classrooms are significant not only for the children who are no longer in school in Arizona, but also for the schools themselves. In many school districts, school funding, primarily for personnel, is tied to enrollment data. That means that a school that loses students loses both money and teachers. For example, the aforementioned elementary school that lost 100 students between the 2009-10 and 2010-11 school years lost funding for five teachers that summer, and an additional teacher after the school year

began.⁸³ Another administrator described that as a result of the dropping enrollments in his school, “our funding was reduced and [we experienced] a reduction in staff. Teachers started losing their jobs.”⁸⁴

2. INSTITUTIONAL MISTRUST: DRIVING IMMIGRANTS FURTHER UNDERGROUND, PASSING FEAR TO A NEW GENERATION

The second overarching effect that SB 1070 has had on young people is its exacerbation of already existing fear and misinformation within the immigrant community. This has particularly disturbing consequences for youth. Mistrust of law enforcement raises public safety concerns and undermines attempts to inculcate a sense of respect for public institutions and authorities. To the extent that misinformation leads to mistrust of schools as well, it wears away at engagement and participation that are critical to their education.

A. Poor Information about the Law

Participants were asked about the extent to which they understood SB 1070’s provisions. While every participant understood that, at minimum, the law authorized police to inquire about immigrant status, several parents believed that its provisions applied to workplaces and schools.⁸⁵

Among students, there were a few notable interpretations. One student thought the law was national in scope.⁸⁶ Another thought it required legal immigration status in order to attend college in the United States.⁸⁷ Another admitted he “did not understand it very well.”⁸⁸

A school counselor noted that she thought that “the confusion over what this law is creates a lot of doubt and fear” among parents and children.⁸⁹ One parent described this confusion:

⁸³ A2.

⁸⁴ A11.

⁸⁵ P7, P8, P15, P17.

⁸⁶ Y14.

⁸⁷ Y7.

⁸⁸ Y2.

⁸⁹ A3.

“There are a lot of people who are misinformed about [what the law says]. They’re not educated [on it] or informed. We hear things here or other things there, and we think about it and impose all this stress on ourselves.”⁹⁰

B. Acute Fears of Law Enforcement

For many participants, talking about SB 1070 meant talking about their fears regarding law enforcement. Of the 27 parents interviewed, 18 cited concerns about police activity as influencing their lifestyle patterns after SB 1070. As discussed above, participants described emptier communities and neighborhoods than they had previously known. As one parent explained, “I don’t go out now. I stay home or go to the school. I don’t have many relationships now.”⁹¹ Another parent was blunt about her reasons why: “I’m scared of the police. I’m scared of running into the police or immigration authorities.”⁹²

Even if families are choosing to stay, many are disengaging from their communities. One elementary school teacher asked her students about their leisure plans:

*I’ll say, ‘well, did you guys go to the rodeo, to the parade?’
And they’ll say, ‘well, we wanted to, but my mom didn’t want us to go out in public because they (the police) might stop us.’⁹³*

Students and school personnel described this fear and wariness of law enforcement extending to youth as well. One elementary school teacher noted that the students “don’t seem to have the same kind of trust in law enforcement” as they did previously, and they “always want to know” the particular reason why police or fire personnel are at school.⁹⁴ Despite the teacher’s efforts to explain that law enforcement exists to help, “they personalize it,” she explained. “They think they’re coming for them.”⁹⁵

⁹⁰ P3.

⁹¹ P1.

⁹² P7.

⁹³ A1.

⁹⁴ A1.

⁹⁵ A1.

Many of the youth interviewed expressed skepticism and fear about law enforcement. For instance, one high school student did not know if she would call the police if she were a witness to a crime:

*I think now it would depend on the crime. If I saw somebody raping someone, I would call... They want us to be good citizens, but I just hope nothing's going to happen to me.*⁹⁶

She went on to describe the attitudes she saw among her peers:

*I know a lot of people who are scared of the cops now. I know a lot of people who know that things have happened, and they just don't do anything because they're scared. They just don't call, or I hear them say, 'I'm not going to mess with them.'*⁹⁷

Of the 15 youth directly questioned on the topic, six stated that they were reluctant to call the police. These attitudes tracked closely with immigration status. One citizen student staying in Tucson with resident extended family members took a pragmatic view on the topic: "I'm not scared or anything, but I am simply sad. I know other people—my friends. I've seen them go. They're happy here, and they have to go."⁹⁸ By contrast, an undocumented student stated that, if he were the victim of a crime, he would "probably not" call the police because of a widespread belief that "if you call police, they'll call immigration" authorities.⁹⁹ One college-aged citizen student explained that her family "just leaves [the police] out" when something happens. That included a robbery late in 2010. "I would have called the police," she explained, but her parents insisted that they "not make it a big deal."¹⁰⁰

C. Fear and Mistrust in Schools

According to several participants, fear of law enforcement shaped the immigrant community's interactions with schools as well. At one school, a principal expressed frustration with the frequent rumors regarding immigration sweeps in schools:

⁹⁶ Y14.

⁹⁷ Y14.

⁹⁸ Y2.

⁹⁹ Y10.

¹⁰⁰ Y17.

*There's been a bit of hysteria about doing sweeps at schools. False information that runs through the community. Some families will start calling their friends... and one of their friends will call and say, 'hey, they're doing sweeps. They're picking up all the kids who are undocumented and they're going to take your kids and send them [away].' And then they'll call the school and say, 'what's going on?' And we'll say it's not true. They'll ask, 'is that happening?' [We'll say], 'No.'*¹⁰¹

At a high school, a counselor described rumors about an incident in which a police officer detained a student for driving recklessly in the school parking lot and reported him to immigration authorities. She did not know whether the event had actually occurred, but she knew that many students believed it to be true.¹⁰²

One middle school administrator and counselor described the way she heard students talk about their fear of the police and how it shaped their behavior.

*Since [SB 1070], a lot of students have come into my office and said, 'Miss, I can't get into trouble anymore.' 'Why?' 'Because my mom says we could get sent back to Mexico if I keep getting into trouble.' And I'm like, 'I don't understand—why do you say that?' 'Because you might call the police on us and you might send us back.'*¹⁰³

Mistrust engendered by the law appears to have affected parental participation in school as well. The same administrator who described issues with rumors of immigration raids also lamented that this past year has been a particularly challenging one for getting parents involved in school life:

*I see that parents aren't warming up to me as readily as I'm used to... The things I hear from parents are just—they're a little afraid to come to school. They're not quite sure if they can trust us completely.*¹⁰⁴

A parent involvement specialist at a middle school described her groups and classes for parents as more poorly attended than in previous years.¹⁰⁵ A high school

¹⁰¹ A11.

¹⁰² A20.

¹⁰³ A10.

¹⁰⁴ A11.

¹⁰⁵ A7, A21.

counselor noted that she was used to seeing “random drop-ins” from parents in previous years—“at least one a week.”¹⁰⁶ At the time of her interview, that had last happened weeks before.¹⁰⁷ Even scheduled group meetings were more poorly attended in the most recent school year: “we had a parent meeting [this year] where zero parents showed up.”¹⁰⁸ A high school teacher described an ongoing decrease in parent participation that reached its low point in 2010-11:

*I used to have so many [parents come to meetings].
Bilingual parents were the ones who came. I used to have
10 or 15... Last year, five or six. Now I'm getting two.*¹⁰⁹

Even when parents come to school, school personnel commented on finding parents more cautious about opening up to school authorities. One parent liaison with long-standing relationships with parents at her elementary school experienced guardedness among parents she knew well after the law passed. “I knew they were talking about [SB 1070] and their reactions,” she said. “Sometimes they would be talking and I’d walk in and they would stop.”¹¹⁰ A high school nurse describe the law’s passage as “[making] it that much more difficult to get trust from families... to ensure they would feel confidence in me that I wasn’t trying to trick them or trap them.”¹¹¹

It is worth noting that, through all of this, schools have attempted to counter these trends, in part by presenting themselves as “safe havens.” Such language – “safe haven,” “safe place” – came up often in interviews with school personnel.¹¹² In making this attempt, schools must walk a fine line between assuring concerned families and avoiding the issue of immigration enforcement altogether. Four schools in the study chose to address the issue head on; they offered informational workshops to parents who had questions about the law after it passed in April 2010.¹¹³ On the other hand, across several schools and grade levels, school personnel emphasized their efforts to maintain normalcy within school boundaries amidst the debate over the law’s passage. A middle school teacher said that he and his colleagues “have not changed [our] behavior.”¹¹⁴ An

¹⁰⁶ A20.

¹⁰⁷ A20.

¹⁰⁸ A20.

¹⁰⁹ A17.

¹¹⁰ A4.

¹¹¹ A13.

¹¹² A4, A9, A10, A11, A14, A17.

¹¹³ A4, A6, A7, A17.

¹¹⁴ A5.

elementary school administrator described the cues she took from her district: to maintain “business as usual.”¹¹⁵ At another elementary school, the principal summed it up: “we are here to do our business, which is for [students] to learn and the teachers to teach... to be dependable and predictable, and [students are] going to be safe.”¹¹⁶

IV. POLICY IMPLICATIONS

The findings discussed in this report suggest that SB 1070 damaged family stability, undermined educational opportunities for youth, and perpetuated a corrosive fear of institutions among a large population of young people in the state. These effects did not exist solely among undocumented immigrants. Rather, because of the complexities of immigration status, the prevalence of “mixed status” families, and the high level of integration of many undocumented immigrant families into their communities, SB 1070 impacted many young citizens and legal residents alongside undocumented youth.

SB 1070’s stated goal was to implement “attrition through enforcement:” to drive Arizona’s undocumented immigrants from the state by aggressively enforcing immigration violations. As interview participants discussed, many people did in fact leave Arizona after the law’s passage. However, this report’s findings suggest that, in practice, this attrition was incomplete and destructive. Many families left Arizona – but many more chose to stay in the face of pervasive fear and uncertainty. These youth and their families, many including citizens and legal residents, were left to reckon with lesser-resourced schools, law enforcement authorities that many do not trust, and the distressed community around them. In these ways, SB 1070 represents the worst of all worlds: ineffective at addressing the problem it purports to fix, and damaging to many of those it was never meant to affect in the first place.

As other states consider their own dramatic entries into immigration enforcement, they should consider the costs and implications of such action. Even without going fully into effect, SB 1070 subjected a major swath of Arizona’s population to a string of unintentional and damaging consequences. Those consequences extended to young people and their schools. This report’s findings document that SB 1070 undermined both the education and safety of Arizona’s youth—all while keeping much of the immigrant community largely, if fearfully, in place.

¹¹⁵ A2.

¹¹⁶ A11.