



**UNTANGLING THE OKLAHOMA TAXPAYER AND CITIZEN  
PROTECTION ACT: Consequences for Children and Families**

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# **UNTANGLING THE OKLAHOMA TAXPAYER AND CITIZEN PROTECTION ACT: CONSEQUENCES FOR CHILDREN AND FAMILIES**

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## SUMMARY

The Oklahoma Taxpayer and Citizen Protection Act went into effect on November 1, 2007. This legislation, commonly referred to as House Bill (HB) 1804, is among the most far-reaching of the anti-immigrant laws enacted at the state level. HB 1804 is composed of broad provisions that have the potential to affect all aspects of life in Oklahoma for unauthorized immigrants (who account for just 1–2% of the state’s total population), including where they live, how they move from place to place, what services they receive from both public and private agencies, and how they are handled when they come into contact with the law enforcement system.

Among other things, key provisions of the legislation make it a state crime to knowingly “transport, harbor, or shelter” undocumented immigrants; prohibit issuance of identification (e.g., driver’s licenses) for unauthorized immigrants; require applicants for public benefits to have their immigration status verified; require the verification of the legal status of persons detained on felony and DUI charges; encourage state and local law enforcement agencies to

enter into 287(g) cooperation agreements with U.S. Department of Homeland Security (DHS) to enforce immigration laws; and prevent unauthorized students from receiving scholarships and financial assistance. Some of these provisions were redundant with federal law. In particular, federal law already required verification of applicants’ immigration status for most public benefits.

To better understand the implications of the combination of these provisions for immigrant families with children—especially those families with undocumented parents—the Urban Institute, with funding from the National Council of La Raza (NCLR),\* examined the effects of HB 1804 on families with children, particularly those living in Oklahoma City and Tulsa.

The combination of these provisions has potentially far-reaching implications for immigrant families with children—especially those families with unauthorized parents, but others as well. Key consequences for immigrant families and their children living in Oklahoma, as well as the agencies serving them and the state more generally are as follows.

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- Many of HB 1804's provisions restate or reinforce federal law, rather than create new restrictions or provisions that are specific to the State of Oklahoma. However, Oklahomans—citizens and non-citizens alike—attribute many actions to HB 1804, although they may be the consequence of other federal, state, or local activities.
- HB 1804 has created a “culture of fear” among immigrant families. Members of the Latino\* community live in fear of being stopped by police or being deported and consequently being separated from their children. At the same time, the legislation appears to have provided an opening for anti-immigrant sentiment in the state and to have furthered anti-immigration legislative proposals.
- Although HB 1804 did not further restrict immigrant families' (including the citizen children of unauthorized parents) access to most services, it did create an environment that many perceive to be inhospitable to Latinos and may have hindered the ability of citizen children to receive the public benefits to which they are entitled.
- Immigrants' use of health care services has largely been unaffected by HB 1804, in part because many medical services are exempt from the legislation's provisions. However, specialized services at state-funded university hospitals and medical centers appear to be less accessible to unauthorized immigrants in the wake of HB 1804.
- Enrollment in elementary and secondary schools is exempt from HB 1804. Despite fears of thinly populated school rooms, Oklahoma City and Tulsa public schools—from prekindergarten through twelfth grade—experienced no significant declines in Latino or English language learner (ELL) student enrollment.
- Head Start program enrollment among Latinos has increased or changed only slightly since the implementation of HB 1804. Two Migrant and Seasonal Head Start programs opened in the state in the summer of 2007, and the centers have recruited families actively and attempted to dispel fears about HB 1804, showing that outreach can effectively raise participation in needed programs and services even within a hostile state climate.
- While restrictions on immigrant students' access to in-state tuition and financial aid have limited effects on the state budget, they may have effects on the competitiveness of the state's workforce,

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\* The terms “Hispanic” and “Latino” are used interchangeably by the U.S. Census Bureau and throughout this document to refer to persons of Mexican, Puerto Rican, Cuban, Central and South American, Dominican, Spanish, and other Hispanic descent; they may be of any race.



as the college completion rate of young immigrants may drop.

- HB 1804 did not include adequate guidance for state and local agencies, community-based organizations, and other service providers on implementing provisions of the law. The key issue for service providers in Oklahoma is that they must determine what constitutes a “public benefit” and who is required to verify that applicants are legally present and therefore eligible to receive benefits.
- HB 1804 did not create many new law enforcement policies that are distinct from existing federal law. The law enforcement provisions of HB 1804 have not resulted in wide-scale arrests and deportations, but local residents in immigrant neighborhoods have grown wary of police in their communities. Much of the concern regarding law enforcement materialized immediately after HB 1804 was passed, months before it was implemented.
- The requirement that jails verify the legal status of detained individuals, which was already permissible under federal law, has far-reaching consequences. If an individual cannot provide proper identification for even a minor offense, he or she will be

taken to jail to have his or her identification and residence verified, which could lead to deportation proceedings.

Despite the initial panic caused by the passage of HB 1804 and the subsequent chilling effect among legal immigrants who remain eligible for many publicly funded services, fear within the immigrant community had largely subsided by October 2008, nearly a year after the law’s implementation. Many of HB 1804’s provisions are superseded by federal law, particularly those related to eligibility for public benefits and services and prohibitions on transporting, concealing, harboring, or sheltering unauthorized immigrants. However, more recent legislative attempts to address illegal immigration at the state and local levels may perpetuate these issues. There is a need to educate the immigrant community as well as the general public about HB 1804’s provisions and immigrants’ legal rights and responsibilities as residents of Oklahoma. Public and private nonprofit agencies, including health clinics and schools, must continue their outreach to ensure that immigrant families and their children continue to receive the health care and the benefits they are entitled to during the current economic crisis.



## INTRODUCTION

“The State of Oklahoma finds that illegal immigration is causing economic hardship and lawlessness in this state and that illegal immigration is encouraged by public agencies within this state that provide public benefits without verifying immigration status. The State of Oklahoma further finds that illegal immigrants have been harbored and sheltered in this state and encouraged to reside in this state through the issuance of identification cards that are issued without verifying immigration status, and that these practices impede and obstruct the enforcement of federal immigration law, undermine the security of our borders, and impermissibly restrict the privileges and immunities of the citizens of Oklahoma. Therefore, the people of the State of Oklahoma declare that it is a compelling public interest of this state to discourage illegal immigration by requiring all agencies within this state to fully cooperate with federal immigration authorities in the enforcement of federal immigration laws. The State of Oklahoma also finds that other measures are necessary to ensure the integrity of various governmental programs and services.”

—Oklahoma Taxpayer and Citizen Protection Act of 2007, effective November 1, 2007

The Oklahoma Taxpayer and Citizen Protection Act went into effect on November 1, 2007. At the time, Oklahoma was experiencing a robust economy with unemployment rates hovering around 4%.<sup>1</sup> Immigrants accounted for about 5% of the state’s total population, with unauthorized immigrants an estimated 1–2% of the total. This legislation, commonly referred to as House Bill (HB) 1804, is among the most far-reaching of the anti-immigrant laws enacted at the state level. Among other things, HB 1804:

- Makes it a state (in addition to federal) crime to knowingly “transport, harbor, or shelter” unauthorized immigrants
- Prohibits issuance and use of driver’s licenses and other forms of identification (including birth certificates) for and by unauthorized immigrants
- Requires jails to verify the legal status of persons detained on felony and DUI charges
- Requires public employers and state and local government contractors to use the Department of Homeland Security’s electronic verification database (E-Verify) to confirm the work authorization of all employees<sup>2</sup>

- Requires that all applicants for state and local public services and benefits over the age of 14 have their immigration status verified through the federal government's Systematic Alien Verification for Entitlements (SAVE) Program<sup>3</sup>
- Encourages state and local law enforcement agencies to enter into 287(g) cooperation agreements with the Department of Homeland Security to enforce immigration laws<sup>4</sup>
- Prevents unauthorized immigrant students from receiving scholarships and financial assistance and allows the State Regents for Higher Education to preserve the policy giving unauthorized immigrant students access to in-state tuition as long as they can prove that they intend to adjust their legal status

The combination of these provisions has potentially wide implications for immigrant families with children, especially those with unauthorized parents. To better understand the implications of the combination of these provisions this study focused primarily on the following questions:

### 1. How has the law been implemented?

- How broadly is House Bill 1804 being interpreted and how rigorously is it being implemented?
- How are its provisions being enforced and what benefits and services have been restricted for immigrant families?

- What other federal, state, and local policy changes targeting unauthorized immigrants (e.g., the 287(g) program in Tulsa) were in place or implemented alongside HB 1804?

### 2. How has the implementation of HB 1804, alongside other policies aimed at unauthorized immigrants, affected Latino families and children in Oklahoma?

- Have there been any changes in children's access to health and social services? Has immigrants' use of services changed?
- Have there been any effects on children's access to education, particularly early education and K–12? How have schools and early education providers reacted to the law? Have there been any changes in enrollment or in students' grades or behavior?

In this paper, we focus on the implementation of HB 1804, with particular attention on Oklahoma City and Tulsa. A brief overview of the study methods is followed by a discussion of immigration trends and the foreign-born population in Oklahoma. We then describe the context for the legislation through an overview of the economic and political environment in which HB 1804 was enacted. This is followed by a discussion of the legislation's key provisions, as well as related policy changes at both the state and local levels. Then we present our findings regarding the preliminary

consequences of the legislation on children and families in Oklahoma. Finally, we draw conclusions and policy recommendations from the research.

## STUDY OVERVIEW AND METHODS

The Urban Institute partnered with the Latino Community Development Agency (LCDA) in Oklahoma City to conduct this study. LCDA is a community-based organization serving the local Latino community through a variety of education, economic development, health, mental health, and substance abuse prevention services. Interviews with more than 60 key informants were conducted in both Oklahoma City and Tulsa, including representatives from state and local departments of health and human services, law enforcement agencies, school districts, early childhood education providers, health care agencies, after-school and recreational agencies, community-based organizations, government officials, advocates, and state and local policy experts. In addition to these in-person and telephone interviews, focus groups were conducted with immigrants in both Oklahoma City and Tulsa.

Local partners conducted focus groups with immigrant parents living in Oklahoma City and Tulsa in late 2008 and early 2009. Four groups were convened (two in each city) to discuss the effects of HB 1804 in local communities.<sup>5</sup> A total of 37 respondents, mostly of Mexican

origin, relayed their experiences living in Oklahoma and how HB 1804 had affected their families. Participants reflected on their experiences since the implementation of HB 1804, including their interactions with public service agencies, community-based and other service providers, schools, law enforcement, and other agencies.

Administrative data obtained from the Oklahoma Department of Human Services (OKDHS), the Oklahoma City-County Health Department (OKCCHD), the Tulsa Health Department (THD), the State Department of Education, and Head Start programs in Oklahoma City and Tulsa were examined for changes in service use after the passage and implementation of HB 1804. The data are limited in that they are aggregated and do not track individual-level service use. Although changes in service use are not directly attributable to the implementation of HB 1804, the timing of fluctuations may suggest a link between the law and people's reactions during a climate of uncertainty. However, consistent use of public benefits or school attendance may conceal changes in the composition of enrollees, benefit users, and attendees. In addition, we cannot control for other economic or demographic shifts that may affect service receipt.

Absent of data for country of birth, this study relies on data regarding the state's Latino population to measure changes in enrollment and service use among the state's foreign-

born population, particularly Latino immigrants. References to “Latinos” in this report should not be read as synonymous with “immigrants,” nor should such references be interpreted as being a measure of the state’s unauthorized population. As a result of data limitations, our descriptive analysis is limited to identifying changes in public benefits receipt and school enrollment among Latinos. Although Latino ethnicity is an imprecise proxy for the state’s foreign-born population, the unintended effects of HB 1804 on the Latino community as a whole, including U.S.-born and authorized immigrant Latinos, are as important as the effects on unauthorized immigrants.

Mixed-status households—those including unauthorized immigrants alongside legal immigrants or citizens—are common within Oklahoma’s Latino population, as well as nationally. In mixed-status households, it is difficult to parse effects such as changes in service use by unauthorized household members versus members who are legal immigrants or U.S. citizens. Despite these limitations, an examination of available data still captures the extent to which HB 1804 sent an inhospitable and cautionary message to a broader community of newcomers.

## OKLAHOMA’S FOREIGN-BORN POPULATION

Like other states in the Southwest, Oklahoma has a large, rapidly growing, and predominantly Latino newcomer population. Despite the state’s long

history of immigration,<sup>6</sup> recent rapid growth of Latino populations underlies community concerns about immigrants’ behavior and integration. Similar concerns have fueled anti-immigrant sentiment and measures across the country.<sup>7</sup>

In 2007, 5% of the state’s population was foreign-born, less than half the national average of 13%. Naturalized citizens composed nearly one-third (56,000) of Oklahoma’s immigrants. Between 1990 and 2000, the state’s foreign-born population more than doubled from approximately 65,000 to 132,000, making Oklahoma one of 22 “new growth states”—mostly in the Southwest and Southeast—that experienced rapid increases in their foreign-born populations.<sup>9</sup> Between 2000 and 2007, the foreign-born population in Oklahoma increased by an additional 50,000 people. The state’s foreign-born population continues to grow at a time when net internal migration into Oklahoma has declined. Almost three-fifths (59%) of Oklahoma’s foreign-born population has origins in Latin America, but the rest of the population is diverse and includes immigrants from Asia (27%), Europe (8%), and Africa (3%) (see Table 1).

Although no precise figures exist on the documentation status of immigrants in Oklahoma, recent estimates in 2004, 2005, and 2006 suggest there were 50,000 to 85,000 unauthorized immigrants in the state. The Pew Hispanic Center estimates that the unauthorized population in Oklahoma was between 45,000 and 60,000 in 2008.<sup>11</sup> These estimates range from 1.2–2.4% of the state’s total population.

## LATINOS AND LATINO IMMIGRANTS IN OKLAHOMA

Oklahoma is a state of 3.6 million people. The Census estimated that from 2005–2007, there were only 146,000 Latinos in Oklahoma who

were born in United States (4.1% of the state population), while more than 174,000 residents (4.9% of the state population) were foreign-born. In total, Latinos accounted for 7% of the state’s population, and nearly 3% were foreign-born (see Figure1). Thus the majority

**Table 1**

Oklahoma Foreign-Born Population and World Region of Birth (1990, 2000, 2007)						
	1990		2000		2007	
	Number	Percent	Number	Percent	Number	Percent
<b>Total Population of Oklahoma</b>	<b>3,145,585</b>	<b>100</b>	<b>3,450,654</b>	<b>100</b>	<b>3,617,316</b>	<b>100</b>
U.S.-born	3,080,096	97.9	3,318,907	96.2	3,435,130	95
Foreign-born	65,489	2.1	131,747	3.8	182,186	5.0
Not a citizen	36,607	1.2	85,981	2.5	125,879	3.5
Naturalized citizen	28,882	0.9	45,766	1.3	56,307	1.6
<b>Foreign-Born Population of Oklahoma</b>	<b>62,980</b>	<b>100</b>	<b>131,739</b>	<b>100</b>	<b>182,186</b>	<b>100</b>
Born in Europe	13,557	21.5	16,102	12.2	14,412	7.9
Born in Asia	25,322	40.2	39,761	30.2	49,434	27.1
Born in Africa	2,255	3.6	4,626	3.5	5,836	3.2
Born in Oceania <sup>10</sup>	490	0.8	810	0.6	1,677	0.9
Born in Latin America	18,749	29.8	66,706	50.6	107,158	58.8
Born in Northern America	2,607	4.1	3,734	2.8	3,669	2.0

Source: Calculation made using “Immigration Data Hub,” Migration Policy Institute, <http://www.migrationinformation.org/datahub> (accessed September 29, 2009).

of Oklahoma Latinos were born in the United States.<sup>12</sup> Non-Latino immigrants accounted for an additional 2% of the state's population.

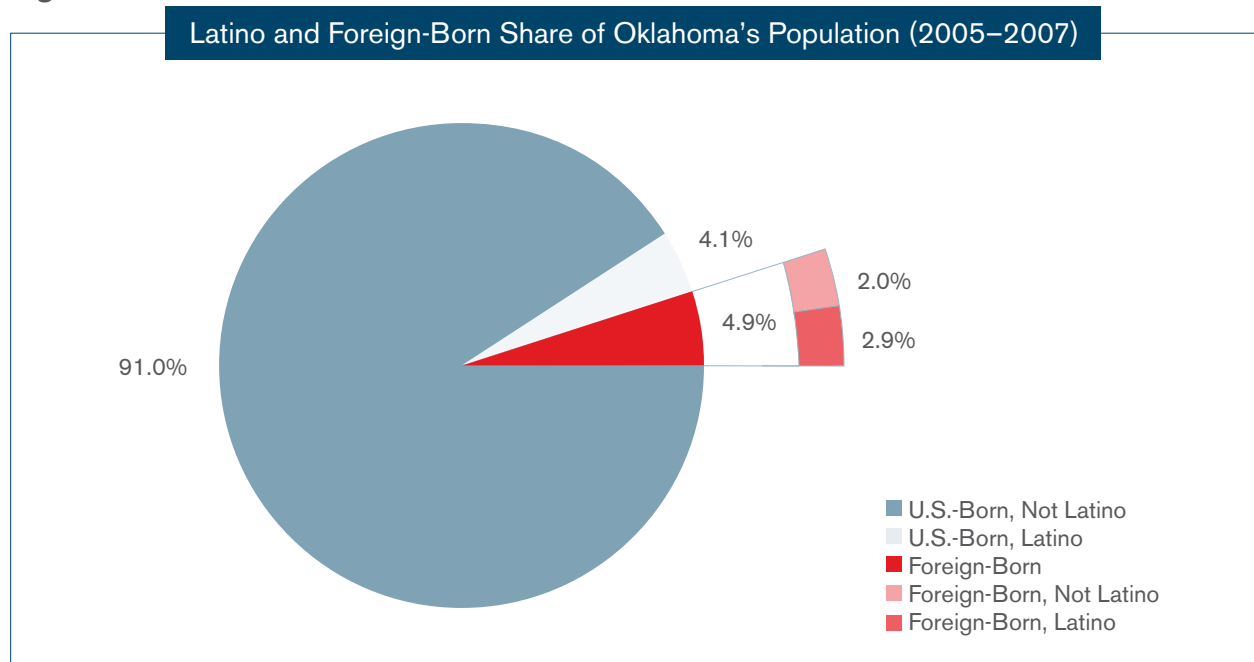
Oklahoma's overall Latino population increased 187% between 1990 and 2007, with even more rapid growth occurring in Oklahoma and Tulsa Counties (see Table 2). Oklahoma's Latino population is concentrated in these two major urban areas, which accounted for 54% of the state's Latino population from 2005–2007, up from 43% in 1990. During 2005–2007, these two counties were also home to approximately 60% of Oklahoma's foreign-born population. While Latino immigrants were estimated to

account for about 3% of Oklahoma's population in 2007, they were the fastest growing demographic group in the state. Between 2000 and 2007, Oklahoma County's foreign-born Latino population increased 57% from about 25,000 to 39,000, while in Tulsa County it increased by 54% from about 16,000 to 25,000.<sup>13</sup>

## CHILDREN OF IMMIGRANTS

As in the rest of the United States, in Oklahoma, children of immigrants constitute a higher share of the child population than the share of immigrants in the total population. Since the

**Figure 1**



*Source:* U.S. Bureau of the Census, "1990 Census Summary Tape File 3; 2000 Census Summary File 3; 2005–2007 American Community Survey," American FactFinder, <http://www.factfinder.census.gov> (accessed September 30, 2009). Estimates for 2005–2007 are based on an average of the three years. The percentage of U.S.-born Latinos is based on the total number of Latinos minus the total number of foreign-born Latinos.



majority of children of immigrants are U.S.-born citizens, they do not count toward the immigrant population total. Between 2000 and 2007, the number of children of immigrants in Oklahoma grew by 37%. Oklahoma was among the top five states in terms of the percent growth of the number of children with immigrant parents along with Alabama, South Carolina, Arkansas, and Maine.<sup>14</sup> About 10% of all children in Oklahoma under age 18 were living with at least one immigrant parent in 2007, compared with 4% in 1990 and 7% in 2000 (see Table 3).

Latino children are the most likely to be children of immigrants and to have parents who are noncitizens; therefore they are the most likely to be unauthorized. In 2005–2006, there were 46,000 Latino children of immigrants in Oklahoma. Latinos constituted nearly 60% of

Oklahoma’s children of immigrants and 78% of all children of noncitizens; the Latino community is disproportionately affected by any legislation or enforcement activities aimed at unauthorized immigrants or other noncitizens (see Table 4).

Although Latinos are more likely to be noncitizens than other demographic groups in Oklahoma, the majority of both Latino parents and children are U.S. citizens. In 2005–2006, 66% of Latino parents in the state were citizens, as were 91% of Latino children (see Table 5).

Even in unauthorized families, the vast majority of children are U.S.-born citizens. A recent report by Pew Hispanic Center estimated that in 2007, more than 70% of children with unauthorized parents in the United States were citizens.<sup>15</sup>

**Table 2**

Oklahoma Latino Population Change (1990–2007)									
Year(s)	Oklahoma			Oklahoma County			Tulsa County		
	Total	Latino	% of State Population	Total	Latino	% of County Population	Total	Latino	% of County Population
1990	3,145,585	86,160	2.7	599,611	25,452	4.2	503,341	11,958	2.4
2000	3,450,654	179,304	5.2	660,448	57,336	8.7	563,299	33,616	6.0
2005–2007	3,576,929	247,660	6.9	694,506	82,064	11.8	577,727	51,283	8.9

Source: U.S. Bureau of the Census, “1990 Census Summary Tape File 3; 2000 Census Summary File 3; 2005–2007 American Community Survey,” American FactFinder, <http://www.factfinder.census.gov> (accessed September 30, 2009). Estimates for 2005–2007 are based on an average of the three years.

**Table 3**

Children of Immigrants in Oklahoma (1990, 2000, and 2007)						
	1990		2000		2007	
	Number	Percent	Number	Percent	Number	Percent
<b>Children under age 18...</b>	<b>805,318</b>	<b>100</b>	<b>837,721</b>	<b>100</b>	<b>834,595</b>	<b>100</b>
With only U.S.-born parent(s)	771,475	95.8	779,280	93	746,210	89.4
With one or more foreign-born parent(s)	33,843	4.2	58,441	7	88,385	10.6
Who are U.S.-born	28,165	3.5	47,239	5.6	72,847	8.7
Who are foreign-born	5,678	0.7	11,202	1.3	15,538	1.9
<b>Children under age 18 in low-income families with...</b>	<b>380,689</b>	<b>100</b>	<b>383,623</b>	<b>100</b>	<b>398,476</b>	<b>100</b>
Only U.S.-born parents	362,475	95.2	350,588	91.4	340,265	85.4
One or more foreign-born parents	18,214	4.8	33,035	8.6	58,211	14.6

Source: Calculation made using "Immigration Data Hub," Migration Policy Institute, <http://www.migrationinformation.org/datahub> (accessed September 29, 2009).

**Table 4**

Oklahoma Children with Immigrant and Noncitizen Parents (2005–2006)						
Race and Ethnicity of Children	Immigrant Parents	Percent of Children with Immigrant Parents	Noncitizen Parents	Percent of Children with Noncitizen Parents	All Children	Percent of All Children
Latino	46,000	59.5	29,000	78.1	88,000	10.2
Asian	14,000	18.6	4,000	10.3	20,000	2.3
White	11,000	14.0	2,000	6.5	589,000	68.0
African American	5,000	6.6	2,000	5.0	92,000	10.6
Native American	1,000	1.3	500	0.1	77,000	8.9
<b>Total</b>	<b>77,000</b>	<b>100</b>	<b>37,500</b>	<b>100</b>	<b>866,000</b>	<b>100</b>

Source: Calculation made using “Children of Immigrants Data Tool,” The Urban Institute, <http://www2.urban.org/charts/chartbook/pages.cfm> (accessed September 30, 2009).

**Table 5**

Oklahoma Latino Children by Child and Parent Citizenship (2005–2006)*		
Latino Population	Number of Children	Percent of Children
Citizen children with citizen parents	54,000	66
Citizen children with noncitizen parents	21,000	26
Noncitizen children with noncitizen parents	7,000	9

\*The total number of Latino children in the sample for whom citizenship status is known equals 82,000 out of an estimated population of 88,000 Latino children in Oklahoma.

Source: Calculation made using “Children of Immigrants Data Tool,” The Urban Institute, <http://www2.urban.org/charts/chartbook/pages.cfm> (accessed September 30, 2009).

## FEDERAL AND STATE POLICY CONTEXT

The failure of comprehensive immigration reform at the federal level, especially with regard to the enforcement of immigration laws, has prompted state and local governments across the country to legislate their own enforcement regimes. The first state to do so was California in 1994 when voters approved Proposition 187 which restricted access to health, education, and social services for unauthorized immigrants across the state. This proposition, though never fully implemented, was reflected in subsequent federal legislation and in the myriad pieces of legislation that have been enacted during the past few years. According to the National Conference of State Legislatures 2008 Annual Conference, 1,562 different pieces of legislation about immigration and immigrants were considered in all 50 states during 2007; 240 bills became laws in 24 states. In 2008, states introduced 1,305 immigration-related bills, and an additional 1,040 bills have been introduced in the first quarter of 2009.<sup>16</sup> While some of these laws were geared toward expanding services for immigrants, the vast majority were aimed at restricting services to, deterring employment for, or increasing enforcement against unauthorized immigrants. With the passage of these laws by state legislatures and other ordinances at the local government level, unauthorized immigrants face increasingly restrictive and difficult environments for raising their children.

## FEDERAL LEGISLATION LIMITED IMMIGRANTS' BENEFIT USE BEFORE HB 1804

Well before HB 1804 sought to restrict access to public benefits, the federal government circumscribed which legal immigrants could (and could not) receive public assistance.<sup>17</sup> Two 1996 laws are among the broadest and most significant pieces of legislation affecting immigrants' access to public services—the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA)<sup>18</sup> and the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA).<sup>19, 20</sup>

Unauthorized immigrants were already ineligible for most public benefits, and PRWORA narrowed the definition of “qualified” immigrants who could receive public benefits and also limited which public benefits qualified immigrants were eligible for.<sup>21</sup> Under PRWORA, legal immigrants who arrived in the United States after August 22, 1996 became ineligible for key federally funded programs during their first five years in the country, including Temporary Assistance for Needy Families (TANF), Medicaid, the State Children’s Health Insurance Program (SCHIP), and Supplemental Security Income (SSI). Unauthorized immigrants were also restricted from receiving food stamps. Eligibility for the Food Stamp Program (FSP) was restricted to legal immigrants with ten years of work experience (combined with parents’ and spouses’ work experience) in the United States.

Refugees and a few other small immigrant groups were exempted from these provisions.<sup>22</sup> In addition, PRWORA barred unauthorized immigrants and most legal immigrants from receiving most “means-tested public benefits” and required agencies to determine that applicants are legally present in the United States when determining eligibility. Federal agencies have classified more than 30 programs as means-tested public benefits, including TANF, Medicaid, CHIP, SSI, Supplemental Nutrition Assistance Program (SNAP, formerly known as the Food Stamp Program), adoption assistance, and the Low-Income Home Energy Assistance Program. Several activities are explicitly excluded from the definition of public benefits, including food assistance such as the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC); The Emergency Food Assistance Program (TEFAP); the Child and

Adult Care Food Program (CACFP); elementary and secondary education; emergency services, such as violence and abuse prevention; short-term shelter and housing; immunizations; and emergency medical treatment.

The advent of these changes accompanied a decline in public benefit use among legal immigrants eligible to apply for benefits, which may have been the result of a “chilling effect”<sup>23</sup> among eligible families facing an increasingly complex application process as well as decisions by immigrant parents that benefit levels were too low to warrant applying. To assuage fears that applying for government services would qualify them as a “public charge,” agencies began communicating with families that use of key public benefit programs could not negatively affect future attempts to adjust their legal status:

“Legal immigrants’ use of public assistance declined as well and while some of this decline may have been due to changes in eligibility, there was some speculation that some of the decline may have been the result of caseworkers and clients having difficulty distinguishing between eligible and ineligible immigrants. As of 1999, when only low-income families are considered, legal immigrants with children had lower participation rates for TANF and food stamps than their low-income citizen counterparts, but Medicaid participation was on par with participation among citizen families. Another possible explanation for the comparatively low benefit program participation among legal immigrants—including those with citizen children—is that some may not apply for benefits due to fears and misconceptions about eligibility rules and the potential for benefit participation to have negative consequences for their immigration status and applications for citizenship.”<sup>24</sup>

Since PRWORA's passage, Congress has restored SNAP and health benefits to all legal immigrant children and some groups of legal immigrant adults.<sup>25,26</sup> However, unauthorized adults and children across the country remain ineligible for major means-tested programs, and their U.S.-born citizen children remain under-enrolled due to participation fears and other access barriers.

Another legacy of PRWORA was the devolution of noncitizen benefit eligibility decisions to the state level. PRWORA allowed states to deny eligibility for means-tested benefits to legal immigrants with five years or more of legal residency. The law also allowed states to use their own funding to provide benefits for legal immigrants with less than five years of residency, and some of the largest states, such as California and New York, did so for many years until federal benefits were restored or state budget crises intervened.<sup>27</sup> Thus, PRWORA built on the sentiment expressed by California voters in Proposition 187 and set the stage for the passage of benefits restrictions and other immigration-related legislation across the states during the past few years.

Although some states used the power delegated to them by Congress to provide public benefits for recent legal immigrants, Oklahoma has not authorized state-funded benefit programs designed to assist noncitizens in the absence of federally funded public benefits.<sup>28</sup> Therefore, the combination of federal policies barring many legal immigrants

from qualifying for most public benefits, the provisions barring unauthorized immigrants from receiving public assistance, and the absence of state-funded benefits for immigrants together limit the amount of state and federal resources available to immigrants living in Oklahoma.

### **FEDERAL LEGISLATION DELEGATED IMMIGRANT ENFORCEMENT POWERS TO STATES AND LOCALITIES**

The other major piece of federal immigration legislation passed in 1996, IIRIRA, also led to the devolution of immigration policies to the state and local levels. Overall, IIRIRA was intended to curtail unauthorized immigration by enhancing border security and enforcement, increasing penalties for smuggling unauthorized immigrants, increasing the number of immigrants detained and deported, requiring deportation of immigrants for a broad array of crimes, and providing resources for employment verification. One section of the law—287(g), regarding “acceptance of state services to carry out immigration enforcement”—amended the Immigration and Nationality Act to allow state and local law enforcement agencies to enter into partnerships with the U.S. Department of Homeland Security (DHS) to enforce federal immigration law at the local level. Under these agreements, local law enforcement staff complete DHS training and are supervised by DHS officers. As of May 2009, 66 state or local law enforcement agencies had active 287(g) agreements with DHS, including an agreement with the Tulsa County Sheriff's

Office implemented in August 2007, about two months before HB 1804 became law. Tulsa County is the only jurisdiction in Oklahoma with an existing or pending 287(g) agreement.

By May 2009, a total of 950 officers had been trained across the nation and about 100,000 immigrants had been arrested through 287(g) programs since they began.<sup>29</sup> Even though Congress authorized the 287(g) program in 1996, the first agreement was not signed until 2002, and the vast majority of these agreements were inked in 2007 and 2008, during the same time period that state and local anti-immigrant legislation proliferated. Most of these agreements are in the Southwest or Southeast, and many are in locations with rapidly growing, predominantly Latino immigrant populations.<sup>30</sup>

These agreements have frequently been championed by politicians or law enforcement chiefs with the expressed intent of driving unauthorized immigrants out of the area. In 2008, the U.S. Government Accountability Office (GAO) investigated 29 of the 287(g) programs and found a lack of clear program goals, weak and inconsistent supervision, and inadequate reporting and tracking of data.<sup>31</sup> The GAO and other reports imply that state and local politicians and law enforcement officials often set the goals for their 287(g) programs—goals that conflict with the ICE objective of targeting serious criminals.<sup>32</sup>

## IMMIGRATION POLICY IN OKLAHOMA

HB 1804 builds on previous, unsuccessful state legislative efforts to address the growing presence of immigrants in the state and concerns about perceived increases in crime rates and public benefit use within local immigrant communities. The provisions in the bill reflect earlier attempts to address a myriad of concerns related to immigration. Three earlier legislative attempts included various provisions targeting unauthorized immigration.<sup>33</sup>

Failed provisions include: allowing legal residents and citizens to take legal action against employers who hire unauthorized workers and discharge legal residents and citizens (SB 510); creating a safe harbor status for employers who verify the eligibility status of workers using the online Basic Pilot Program (SB 510); prohibiting private or public entities (including schools) from issuing identification cards without verifying legal immigration status (HB 3119); requiring public agency employees to verify the immigration status of applicants for public benefit applicants, as well as report to federal immigration authorities anyone who attempted to apply for such benefits without proof of legal immigration status (HB 3119); and holding employers who did not use a federal employment verification pilot program and hired unauthorized workers liable for those workers' (and their families') medically necessary services (HB 3119).

While these three bills failed to become law, they contributed to the design of future legislation. By the time federal immigration reform collapsed for a second time in 2007, key leaders in the Oklahoma legislature were poised to submit a state bill that would pass the House and the Senate and aim to reduce immigrants' access to services and resources. The legislature drafted a comprehensive bill with the hope it could withstand legal challenges and capitalize on Oklahomans' concerns about the effects of unauthorized immigration.

In May 2006, the Oklahoma State Senate created the Task Force on Oklahoma Illegal Immigration Issues through the passage of SR 125. The Task Force was created to study issues related to illegal immigration, including the impact on social services, education, public safety, taxation, human trafficking, and state and federal coordination with the goal of determining the need for legislation.<sup>34</sup> The Task Force met four times in 2006 and prepared a report that made four recommendations for future state

legislation: (1) establish a means of requesting compensation for incarcerating unauthorized immigrants from the federal government; (2) take into account the "desirability" of educating unauthorized immigrants and the limited financial impact of providing in-state tuition to these individuals; (3) recognize that the need for state action is diminished by the fact that much of immigration policy is set at the federal level; and (4) focus on preventing the hiring of unauthorized workers and protecting those who already work in Oklahoma from "exploitation and trafficking."<sup>35</sup>

Over the course of Oklahoma's ongoing immigration debate, two key ideas appear to have gained the most traction: (1) immigrants drain public resources, and (2) unauthorized immigrants who break the law should not be allowed to continue living in the United States. On the eve of HB 1804's implementation, its principal author, Representative Randy Terrill (R-Moore), spoke on National Public Radio to highlight what the bill was trying to accomplish:

"Well, I think that you, you know, the purpose of it is to discourage illegal aliens from, either, coming to or remaining in the State of Oklahoma. The reason for that is because they cost Oklahoma taxpayers hundreds of millions of dollars. And in addition to that, you know, it's created a situation of some lawlessness here, particularly with regard to our crime and gangs and drugs and narco-trafficking and illegal alien prostitution rings and illegal alien horse-gambling operations that have recently been busted up here. So we're talking about a problem that is significant, that is pervasive and that is increasing, and House Bill 1804 was designed to address those concerns."<sup>36</sup>



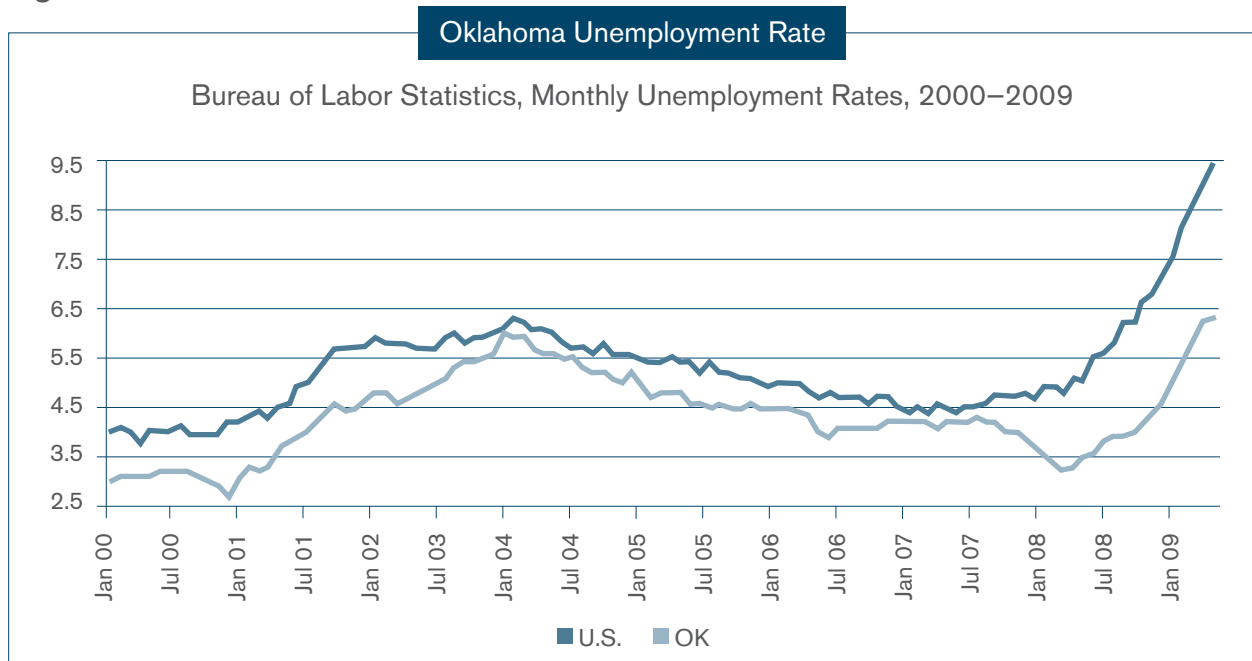
HB 1804 was not a reaction to deteriorating economic conditions, as it passed during a time of high economic growth and low unemployment. Since 2000, Oklahoma's unemployment has remained consistently below the national rate, and the gap has widened since the economic crisis began in 2007 (see Figure 2). During 2007, as HB 1804 was debated, passed, and implemented, the state's unemployment rate was below 4.5% and either stable or falling. The national unemployment rate began rising in late 2007 and by May 2009 had surpassed 9.4%. Oklahoma's unemployment rate began to rise in spring 2008, but remained relatively low at 6.4% as of May 2009. Tulsa's unemployment rate (6.1%

in April 2009) has climbed closer to the state unemployment rate, while the rate in Oklahoma City climbed more slowly (5.4% in April 2009). Both cities averaged an unemployment rate of 3.8% in 2008.<sup>37</sup>

### HOUSE BILL 1804

When HB 1804 passed, local immigrant and Latino communities had already witnessed failure at the national level to address immigration concerns. Before and after its implementation, local community leaders and organizations spent time on the radio, in town hall meetings, and in local newspapers discussing and sorting through a range of fears

Figure 2



Source: U.S. Bureau of Labor Statistics, "Local Area Unemployment Statistics," Conducted by the Bureau of Labor Statistics for the U.S. Department of Labor, [www.bls.gov/LAU](http://www.bls.gov/LAU) (accessed September 30, 2009).

and confusion about the bill's implications for immigrant families. Local leaders, advocates, and immigration experts have attempted to untangle the effects—both intended and unintended—of HB 1804's provisions and to distinguish fact from fiction.<sup>38</sup> The following review of HB 1804's provisions provides an overview of how the legislation is affecting immigrants living in Oklahoma and the various agencies, community-based organizations, health care providers, and educational institutions working with them.<sup>39</sup>

HB 1804 is made up of 13 sections with broad provisions that have the potential to affect all aspects of life in Oklahoma for unauthorized immigrants, including where they live, how they move from place to place, what services they receive from both public and private agencies, and how are handled when they come in contact with the law enforcement system. Most of HB 1804's provisions went into effect on November 1, 2007. Key provisions examined as part of this study are summarized in Box 1.

## Box 1

### KEY PROVISIONS OF HB 1804

#### **Transporting, Concealing, Harboring, or Sheltering Unauthorized Immigrants**

Section 3 of HB 1804 makes it a state crime to knowingly transport, conceal, harbor, or shelter someone who is in the country illegally. Similar language exists under federal law. This provision creates an environment of uncertainty in that it gives broad discretion to those who enforce it.

#### **Issuance of Identification Cards**

Under Section 4 of HB 1804, primary identification documents can only be issued to U.S.-born or naturalized citizens and legal permanent residents. The provision requires the Department of Public Safety (DPS), schools, and professional organizations to make sure identification cards they issue cannot be mistaken for either permanent residency documents or legal immigration documents. As a result, DPS marks driver's licenses issued to temporary or conditional residents with the word "temporary" and school identification cards are clearly labeled to indicate they are for school use only. The Oklahoma State Department of Health (OSDH) began requiring a signed affidavit indicating U.S. citizenship or legal residency of anyone applying for OSDH-issued professional licenses, including food handlers, nurse aides, and counselors.

**Felony and Driving Under the Influence Charges**

As mandated by HB 1804, anyone charged with a felony or for driving under the influence (DUI) is subject to a legal residency status check. Jails are required to make a “reasonable effort” to investigate whether a detainee might be in violation of immigration law. Jail officials are obligated to notify federal immigration authorities when unable to verify a detainee’s status. The provision is silent on procedures or what constitutes a “reasonable effort.”

**Employment and Electronic Status Verification**

HB 1804 included several provisions targeting employers, including one requiring public employers and those contracting with public employers to use E-Verify (a status verification system).<sup>40</sup> The law also states that private employers who chose not to use E-Verify open themselves to charges of “discriminatory practices” if they are found to have fired an employee who is legally present while knowingly employing an unauthorized worker. However, an injunction from February 2008 has thus far prevented the implementation of the private employer provisions, which were tentatively scheduled to become law July 1, 2008.<sup>41</sup> As of May 2009, implementation of these employer provisions continued to be delayed, and the state awaited a decision from the United States Court of Appeals for the Tenth Circuit.<sup>42</sup>

**Public Benefits**

HB 1804 requires state agencies to verify the lawful presence of individuals applying for public benefits as defined by federal law. Unauthorized immigrants were barred from receipt of public benefits under the Personal Responsibility Work Opportunity Reconciliation Act of 1996 (PRWORA), which requires agencies to determine applicants’ legal status when determining eligibility for certain public benefits, including the Supplemental Nutrition Assistance Program,<sup>43</sup> Medicare, Medicaid (with the exception of emergency medical assistance), Supplemental Security Income, and Temporary Assistance to Needy Families. HB 1804 exempts specific types of emergency assistance, including emergency medical care, disaster relief, immunizations, testing and treatment for communicable diseases, and “services necessary for the protection of life or safety.” Public agencies are required to obtain a signed affidavit from applicants who have no proof of citizenship.

**Enforcement of Federal Immigration Law at State and Local Level**

While HB 1804 encourages the State Attorney General to establish a 287(g) cooperation agreement between the state police and the Department of Homeland Security for the purpose of enforcing immigration law, the state has not pursued such an agreement.

**Reporting of Information**

HB 1804 specifically forbids agencies or individuals from prohibiting or restricting public employees from maintaining or sharing information about immigration status with other local, state, or federal governmental agencies. Federal law currently allows state and local officials to communicate with the U.S. Attorney General about individuals' immigration status.<sup>44</sup>

**Higher Education**

Sections 11 and 13 of HB 1804 partially repealed a 2003 state law that made certain unauthorized students eligible for in-state tuition and financial assistance.<sup>45</sup> Students already attending postsecondary institutions during the 2006–2007 academic year maintained their eligibility for in-state tuition and financial assistance. HB 1804 allowed the Oklahoma State Regents for Higher Education to limit unauthorized immigrant students' access to in-state tuition. In October 2007, the Regents voted to allow unauthorized students to apply for in-state tuition and financial aid if they demonstrate their intent to seek legal status.<sup>46</sup>

**LEGISLATIVE AND POLITICAL  
ACTIVITY IN THE WAKE OF HB 1804**

Following enactment of HB 1804, several other bills have been introduced in the Oklahoma legislature. In 2008, supporters of SB 163 attempted to declare English the state's official language. Observers referred to SB 163 as the "Son of 1804" because of its emphasis on ensuring that Oklahoma had one common language, regardless of the demographic changes that had taken place in the state. The

bill did not pass, partly because of opposition from Native American groups that saw the measure as disparaging of Native languages. Another bill (HJR 1042, "English as Official State Language"), introduced in early 2009, would initiate renewed efforts to make English the "common" language of Oklahoma. While proponents have framed the bill as a measure that will integrate foreign-language speakers, opponents see this effort as a hostile message aimed at Spanish speakers who are perceived to be unwilling to learn English.<sup>47</sup> The bill passed the House and Senate by wide margins (89–8 in

the House and 44–2 in the Senate) and will be decided during a statewide ballot in 2010.

Two other bills build on the momentum of HB 1804. On May 22, 2009, Oklahoma Governor Brad Henry signed HB 2252 into law, which requires that driver's license tests be given only in English and eliminates the requirement for the state to provide alternative tests in Spanish. On the same day, HB 2245 was sent to Governor Henry and signed on June 2, 2009. This legislation gives the state the authority to expedite removal proceedings for "deportable aliens" who are held in Oklahoma jails and have served at least one-third of their sentence. It easily passed the House (101–0) and Senate (47–1). The bill's proponents want to ensure that state and local detention facilities do not bear the burden of housing unauthorized immigrants. Currently, Oklahoma receives some reimbursement from the federal government for holding eligible inmates.<sup>48</sup> The bill applies to nonviolent offenses and misdemeanors, and the director of Oklahoma's Department of Corrections stated, "I think the bill is a good mechanism to relieve some of the state cost burden for holding short-term, nonviolent deportable detainees."<sup>49</sup> In addition, the bill added fees for remittances—money wired or transferred to immigrant-sending countries. The fees are \$5.00 for remittances over \$5.00 and an additional 1% for remittances over \$500.

Since 2008, U.S. Immigration and Customs Enforcement (ICE) has been promoting the Secure Communities Program, an alternative

to 287(g) through which states and localities forward requests to a central federal office to verify inmates' legal status. The Secure Communities model is based on sharing fingerprints and other identifying data between federal, state, and local law enforcement agencies to screen inmates. Oklahoma and Tulsa Counties will be participating in the Secure Communities Program by 2011.<sup>50</sup>

The immigration policy debate has taken place at the local level as well. During the same time that Oklahoma debated immigration, Tulsa County developed its own measures to address the issue. The Tulsa County Sheriff's Office began pursuing the option to enter into a partnership with ICE to train their staff to enforce federal immigration law as early as 2001. A memorandum of agreement with ICE was signed in August 2007, and 28 ICE-trained deputies and detention officers completed training by September 2007. The David L. Moss Criminal Justice Center (Tulsa County's jail) has an agreement to serve as a detention center for ICE, providing beds for immigrants facing deportation proceedings. In addition, the Tulsa City Council passed a resolution in May 2007 asking the mayor to require that the Tulsa Police Department check individuals' immigration status after making an arrest on a felony or misdemeanor charge; if immigration status was not confirmed, officers could notify ICE within 24 hours. The mayor of Tulsa refused to sign the resolution and issued a policy clarification stating that immigration status checks will not take place until after a person is in the custody

of the county jail and that Tulsa police would not randomly question people about their immigration status. The police department did state, however, that they will detain any individuals stopped for traffic violations who cannot provide valid identification and proof of insurance, thereby opening the possibility for verification of immigration status.

## HB 1804 IMPLEMENTATION AND CONSEQUENCES FOR CHILDREN AND FAMILIES

### POLICY ENVIRONMENT AND SOCIAL CLIMATE

**Many of HB 1804's provisions restate or reinforce federal law, rather than create new restrictions or provisions that are specific to the State of Oklahoma.** Among these provisions are the requirement to verify the legal status of those applying for public benefits and restrictions on harboring, sheltering, and transporting aliens with reckless disregard for their illegal presence in the United States. Under federal law, for example, unauthorized immigrants are not eligible to receive public benefits funded through more than 30 federal programs, including adoption assistance, cash assistance, and medical assistance funded through Medicare and the Children's Health Insurance Program (CHIP). Federal law already prohibits the harboring and transporting of unauthorized individuals.<sup>51</sup> Law enforcement officials in Tulsa indicated that the intent of the 1804 provision making it a felony to knowingly

harbor or transport an unauthorized individual is to apprehend those individuals who are transporting unauthorized immigrants for profit. Officials maintain the intent is not to target individuals who are simply driving somebody to church or school, for example. School officials determined this provision does not apply to bus drivers transporting students to school. Many services and benefits, including emergency services, food assistance programs such as soup kitchens, food pantries, medical programs, and public health services are exempt from this provision. For the most part, service providers indicated they are not particularly concerned about this provision and its direct effects on their programs. They did note that, in some instances, this provision might deter individuals from driving and seeking out services.

**Oklahoma citizens and noncitizens alike attribute many actions to HB 1804, although they may be the consequence of other federal, state, or local activity.** The public, including immigrants, seem to know little about the details of the law. Confusion regarding the law even led some to believe that HB 1804 outlawed renting apartments to unauthorized immigrants and their families. Over the course of the focus group discussions, only a handful of respondents were aware of HB 1804's provisions, and only one was able to describe the law in some detail. Despite the fact that Oklahoma's legislation does not create many new restrictions or barriers for unauthorized immigrants, many residents (unauthorized and otherwise) presume that HB 1804 does create

new obstacles for unauthorized immigrants living in the state as they seek services or medical care for their families, obtain driver's licenses or birth certificates for their U.S.-born children, or otherwise go about their daily lives. Benefit program eligibility restrictions and requirements are often attributed to HB 1804, when in fact they are the result of either preexisting policy or other legislative action, including PRWORA, the Defecit Reduction Act, and perhaps most notably, Tulsa's 287(g) agreement with U.S. Department of Homeland Security.

The lack of understanding and communication about HB 1804 has affected an important aspect of some families' lives that was not specifically included in any of the law's provisions: housing and rental agreements. Anecdotes abound about landlords who began demanding that immigrant families provide proof of legal residency status before opening or renewing rental agreements and leases. Landlords and tenants have scrambled under the impression that landlords could be found guilty of "harboring" unauthorized immigrants. Some families were asked to leave their apartments, lost their belongings, and left the state. Although the law does not explicitly mention housing, several focus group participants described instances where families and children were forced to leave their housing. Such confusion may stem from news of local ordinances in other parts of the country. For example, a recent decision by a federal judge in New Jersey denied a claim that renting apartments to unauthorized

immigrants constitutes "racketeering," thus rejecting the claim that renting to the unauthorized population amounts to violating federal immigration law.<sup>52</sup> The decision recalls a 2006 ordinance—which has since been declared unconstitutional—designed to prevent landlords from renting to unauthorized immigrants in Hazelton, Pennsylvania.<sup>53</sup>

**There is a distinctly different "feel" about community reactions to HB 1804 in Oklahoma City and Tulsa.**

The two cities' immigrant integration, advocacy, and service provision experiences are both somewhat limited. Prior to HB 1804, few service providers in Oklahoma City or Tulsa had a long history of serving recent arrivals because the immigrant populations in both cities are so new. Immigrant parents who participated in focus groups in both cities mentioned that, with few exceptions, there is no strong support system for immigrant families in their area. In addition, language barriers persist in both cities. Non-English speakers continue to experience some difficulty seeking assistance from nonprofit service providers, except for a few key churches, nonprofits, and clinics in the area. While service providers in both jurisdictions face the same legislative and policy constraints under HB 1804, immigrant families in Tulsa appear to face greater obstacles to daily living and express greater fear. This variation appears to be driven by the presence of the 287(g) in Tulsa County. Parents from Tulsa who participated in focus groups described incidents when family members were

stopped for routine traffic violations and soon found themselves in removal proceedings and, eventually, deported. The 287(g) agreement and the newly signed HB 2245 increase the probability of coming into contact with an officer who can initiate immigration proceedings. One respondent said that the changes since 2007 have “made the police’s wings grow.” Immigrants in Tulsa reported feeling more threatened after implementation of the 287(g) agreement and feared the possibility of being separated from their children.

**HB 1804 has created a “culture of fear” within the Latino community.** Despite the limited number of arrests in the community that are directly attributable to HB 1804, members of the Latino community live in fear of being stopped by the police or being deported. Reflecting national trends, Latino immigrants in both cities are afraid that they will be arrested and deported.<sup>54</sup> Researchers heard numerous accounts of families who did not feel safe leaving their homes or driving their cars after the passage of HB 1804. If a large number of immigrant families are venturing out of their homes less frequently, then their absence in church pews and restaurant tables may explain some of the anecdotal accounts of a “mass exodus” from the state. Those who stay home for fear of encountering police or jeopardizing their families reflect the “culture of fear” in the state. One of the most widely publicized instances is related to unauthorized parents who were afraid to seek medical services, which ultimately resulted in their baby’s death.<sup>55</sup>

The provisions of HB 1804 have further intimidated the immigrant community, particularly when law enforcement is concerned. Many respondents, including advocates and law enforcement officers, feel that crimes (e.g., domestic violence) are not being reported due to fear. Advocates noted that even though crimes can be reported anonymously and it is completely safe to report crimes, many immigrants are reluctant to call police for fear of being deported. Police departments in both Oklahoma City and Tulsa have attempted to reassure the immigrant community through a variety of public meetings, public service announcements, and other avenues that their officers do not check the immigration status of victims of crimes and strongly encourage them to report criminal events. Legal advocates have stressed the importance of educating the immigrant community on what the law actually says and what their rights are.

**HB 1804 appears to have provided an outlet for anti-immigrant sentiment throughout the state and may have hindered the ability of citizen children to receive public benefits to which they are entitled.** While these sentiments are not new, we heard numerous accounts of individuals who now feel emboldened to verbalize comments that they may previously have stifled. In addition, HB 1804 specifically guarantees the right of public employees to report information about immigration status (both lawful and unlawful). We heard reports of individual staff at public agencies who felt it was their responsibility to



report the presence of unauthorized immigrants when they were legally applying for public benefits for their U.S.-born children. Focus group respondents described case workers who, after the law was implemented, felt authorized to act uncooperatively or dismissively with immigrant families who were already receiving benefits. As a result, a number of respondents described having to resubmit paperwork, provide additional documentation (such as paystubs, which are difficult to obtain for many), and temporarily losing social services or receiving lower benefits than before. Such instances were reported most widely at Department of Human Services' offices among parents applying for SNAP and Medicaid for their citizen children.

## HEALTH CARE AND SOCIAL SERVICES

**HB 1804 did not include adequate guidance for state and local agencies, community-based organizations, and other service providers related to implementing provisions of the law.** Across the board, respondents noted that they had to seek out guidance from their own board of directors or other agencies as they prepared for the implementation of HB 1804. In the wake of HB 1804 passage, there was a flurry of apprehension and debate around this provision and what constitutes “transporting,” “harboring,” or “sheltering.” There have been concerns that landlords, school bus drivers, and others who are simply giving somebody a ride could be subject to arrest under this provision.<sup>56</sup> School officials indicated that bus drivers are exempt from this provision.

**The key issue for service providers in Oklahoma is that they must determine what constitutes a “public benefit” and who is required to verify that applicants are legally present and therefore eligible to receive benefits.** Clearly, state agencies are subject to this provision. However, the legislation is considerably less clear regarding nonprofit and private agencies or organizations receiving state funding. In the absence of clear guidance from the state, service providers in the public, private, and nonprofit sectors have had to make their own determinations regarding whether or not they are subject to this provision. For the most part, providers interviewed for this study determined the services they offer do not constitute a “public benefit” and continue to provide services to families and children without verifying legal status.

The Oklahoma City-County and Tulsa City-County Health Departments also sought legal guidance and followed the decision of the state health department that determined that most of their traditional public health services were exempt from the HB 1804 provisions. One notable exception was the Children First program, a family-centered home visitation program that provides prenatal care through age two. Initially, the Oklahoma State Department of Health determined that this partially state-funded program was subject to the HB 1804 provisions requiring that a woman's lawful presence be verified. They later determined that services provided under this program are considered to be community-

based child abuse prevention services and are therefore not a public benefit.<sup>57</sup>

### **Some public servants devoted time to ensure that parents and children receive services.**

Focus group respondents and local community leaders described instances of health care and human service personnel advocating for children of immigrants, regardless of their parents' legal status. When families did not show up for an appointment, workers on the front line often made an effort to ensure those who were eligible to receive services understood that HB 1804 did not affect their family or children's benefits. In some cases, a bilingual staff person made calls to individual families. In other cases, community leaders and school personnel worked with community-based organizations to communicate—through public forums, newspapers and Spanish-language media—that health clinics, churches, schools, and other places were safe zones. They described their role as neutral public servants entrusted to preserve and enhance public health, K–12 education, and the common good. Absent such outreach efforts, the effects on service use and school attendance might have been worse.

## **GENERAL HEALTH CARE**

**HB 1804 appears to have had little impact on immigrants' use of health care services, in part because emergency medical services are exempt from the legislation's provisions, and legal and unauthorized immigrants**

**were already barred from accessing many nonemergency health care programs under federal law.**

All immigrants, including the unauthorized, retain access to and eligibility for many of the traditional public health services provided through county health departments, including prenatal care, Early and Periodic Screening, Diagnosis, and Treatment (EPSDT), WIC services, treatment of communicable diseases, and disease prevention.<sup>58</sup>

Unauthorized immigrants seeking specialized services or mental health care, however, may have a more difficult time finding affordable care in the wake of HB 1804.

After the passage of HB 1804, health care personnel in Oklahoma and Tulsa Counties noted the largely uninterrupted level of health care service among Latinos. They attributed the sustained level of service use to the fact that the Oklahoma and Tulsa City-County Health Departments already verified eligibility among legal immigrants. Public health personnel and bilingual frontline staff communicated with their clients to ensure that their agencies' public health goals (e.g., immunization, treatment of infectious diseases) remained unaffected by HB 1804. In some cases, individual workers called and maintained contact with a small number of families who feared they were no longer eligible to receive services.

## **PRIMARY AND PREVENTIVE CARE IN OKLAHOMA CITY**

In Oklahoma County, there was essentially no change in Latinos' use of family planning

and prenatal services before and after implementation of HB 1804. Between November 2007 and January 2009, Latinos accounted for approximately three out of four monthly family planning cases, which mirrors service use patterns during the 15 months preceding implementation of HB 1804. The Oklahoma City-County Health Department reported similar patterns for prenatal services, with few exceptions; Latinos made up a consistent share of maternity service users each month before and after HB 1804 was implemented. Similarly, WIC participation among Latinos remained virtually unchanged.

Use of services provided by the Child Health program in Oklahoma County fell among all children beginning in 2007, the summer after the program was phased out; the drop in program enrollment is unrelated to HB 1804. Service use fell for Latinos and non-Latinos alike as the Oklahoma City-County Health Department shifted focus to “population-based” services. The Child Health program was largely eliminated, and Child Health clients were referred to other providers in the area.

The Child Guidance Program provides behavioral health, early childhood development, parent education, and speech, language, and audiology services to families with children ages zero to 12 and is funded through the Oklahoma State Department of Health. Historically, program use in Oklahoma County tends to ebb and flow over the course of a year with

the percentage of Latino participants in the program being significantly lower than non-Latinos. Latino program use did not change dramatically after the implementation of HB 1804. In fact, Latinos accessed the program in higher numbers between November 2007 and October 2008 than they did during the preceding year.

There was no change in the number or share of Latinos in Oklahoma County seeking sexually transmitted disease (STD) and tuberculosis testing and treatment. Service use remained the same as it had been before HB 1804 implementation in November 2007.<sup>59</sup>

#### PRIMARY AND PREVENTIVE CARE IN TULSA

Tulsa County data from fiscal years 2007 and 2008\* reveal patterns similar to those in Oklahoma County. The overall share of Latinos accessing public health services in Tulsa County remained nearly identical from fiscal year 2007 to fiscal year 2008. Latino use of adult health (e.g., disease screening, smoking cessation, adult immunization) and family planning services decreased only slightly from one year to the next. There appear to be fewer Latino family planning cases in fiscal year 2008, which may be the result of missing race identifiers in the data. Tulsa’s Child Health Program was discontinued in late 2007; therefore, the total number of Latinos served through this program fell significantly from 402 to 158 between fiscal years 2007 and 2008.<sup>60</sup>

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\* Fiscal year 2007 comprises July 2006 through June 2007. Fiscal year 2008 comprises July 2007 through June 2008.

## SPECIALTY CARE AND MENTAL HEALTH SERVICES

### **Specialized services at state-funded university hospitals and medical centers appear to be less accessible to unauthorized immigrant families in the wake of HB 1804.**

Local respondents mentioned that although HB 1804 does not affect traditional health care services or prenatal care, it is now more difficult for them to refer unauthorized immigrants for specialized testing and treatment. On rare occasions, focus group respondents described being turned away from private health care providers as a result of the confusion about which health care services were exempt from HB 1804. More often, respondents described being unable to receive services from university health care centers and hospitals without being asked about their legal status, even in cases where families were seeking medical attention for their citizen children. It is unclear how many clinics or health care centers were referring immigrants to these institutions for testing and treatment, but state-funded universities interpret the language of HB 1804 as preventing them from extending services to the unauthorized population.

Parents participating in focus groups noted that they rely on community-based health programs that serve immigrant families regardless of legal status. This option helped some individuals, but others with more serious or complicated medical needs have gone without testing or treatment. Parents also mentioned relying on

emergency room care as another alternative. Some walked away without receiving medical attention when health care administrators asked them for identification. In some instances, staff explained that they needed to know who to bill, and the attempt was wrongly mistaken as another identification provision of HB 1804.

Finally, parents expressed concern over the need for mental health services for immigrant families, which were lacking even before HB 1804. Respondents from different public health organizations mentioned that language remains a huge barrier to providing adequate mental health services, especially since there are few bilingual skilled professionals in the state. Several respondents observed that the implementation of HB 1804 and the consequent fear, uncertainty, and disorientation within immigrant communities has only increased the need for quality mental health care.

## PUBLICLY FUNDED SOCIAL SERVICES

**Immigrant access to social services, including TANF, SNAP, and child care services, has remained mostly unaffected a year-and-a-half after the implementation of HB 1804, despite the new requirement that applicants sign an affidavit assuring that they are citizens or eligible legal immigrants.** Legal immigrants and the U.S.-born children of unauthorized immigrants—both eligible for these benefits and services—have continued to receive approximately the same level of services from the Department of Human Services in Oklahoma and Tulsa Counties.<sup>61</sup>

In some cases, their number and share has expanded moderately. For a period of time after the passage and implementation of HB 1804, the percent of Latino children receiving TANF in Tulsa County decreased; their number and share has since rebounded to pre-HB 1804 levels. In addition, some parents in the focus groups reported difficulties retaining and applying for Medicaid and SNAP benefits for their U.S.-born children, though few said they experienced prolonged interruptions in service receipt. Despite the widespread opinion among some study respondents that the Department of Human Services is “not safe” for unauthorized immigrants, service receipt among Latino families appears largely unaffected.

Tulsa County’s population\* is smaller than that of Oklahoma County,<sup>†</sup> and the two counties’ poverty rates are similar, around 12%. A much smaller fraction of adults and children receive TANF in Tulsa County than in Oklahoma County, and the difference in TANF receipt is more dramatic for the Latino population than the total population. This might reflect a greater perceived stigma associated with public social service receipt among Latinos in Tulsa compared with Oklahoma City.

#### CHILD CARE ASSISTANCE

**Latinos have continued to receive approximately the same level of child care services from the Department of Human Services in the state as well as in Oklahoma and Tulsa Counties.**<sup>62</sup> When HB 1804 was

signed into law, apprehension increased rapidly among immigrants. According to OKDHS data, when HB 1804 was passed in May 2007, more than 45,000 individuals in Oklahoma were receiving child care assistance, with Latinos accounting for less than 8% of the total. By that time, the total number of people receiving child care assistance in Oklahoma had already been in decline, but the number and share of Latinos receiving child care assistance increased between 2006 and 2009. Following state trends, Oklahoma and Tulsa Counties also experienced a moderate decline in the total number of people receiving child care benefits between 2006 and 2009. However, the number and share of Latinos receiving child care assistance in Oklahoma County increased; child care service use among Latinos throughout the state did not undergo a prolonged decline or constriction.

#### SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM

**The number of Latinos receiving SNAP benefits remained steady since the implementation HB 1804.** In May 2007, when apprehension among immigrants regarding HB 1804 began spreading quickly, there were over 174,000 SNAP cases benefiting more than 414,000 individuals across the state, with Latinos accounting for 5% of the state’s caseload. Oklahoma’s SNAP caseload remained steady throughout 2007, began to climb in the summer of 2008, and continued to grow throughout the end of 2008 and the first half of 2009. The number

\* 578,000 in 2005–2007, including 51,000 Latinos

† 694,500 in 2005–2007, including 82,000 Latinos

and share of Latino SNAP cases increased across the state and in Oklahoma and Tulsa Counties. Though the unemployment rates in the state and its two largest counties remain much lower than the national average, Oklahoma is not impervious to the economic recession. The arrival of the downturn in Oklahoma may explain some of these families' increased reliance on SNAP benefits.

#### TEMPORARY ASSISTANCE FOR NEEDY FAMILIES

**The share of Latinos receiving TANF in Oklahoma has remained stable since implementation of HB 1804.** In May 2007,

less than 21,000 individuals were receiving TANF, including more than 17,000 children and approximately 3,500 adults. At the same time, about 2,100 Latino children in the state received TANF benefits, and 6% of all adults receiving TANF were Latino. The total number of individuals receiving TANF benefits in Oklahoma, Oklahoma County, and Tulsa County has fallen steadily since 2006. The number of Latino adults across the state receiving TANF over the past three years has increased since 2006 (see Table 6).

The total number of Latino children receiving TANF decreased across the state throughout

**Table 6**

Latino Adults and Children Receiving TANF (2006–2009)				
Latino Population	Years	Oklahoma (% of Total TANF Cases)	Oklahoma County (% of Total TANF Cases)	Tulsa County (% of Total TANF Cases)
Adults	2006	5.3%	7.2%	2.7%
	2007	5.5%	8.2%	3.1%
	2008	5.6%	7.9%	3.2%
	2009*	5.8%	9.2%	4.0%
Children	2006	11.7%	20.6%	7.8%
	2007	12.0%	20.5%	9.4%
	2008	12.8%	22.2%	8.5%
	2009*	13.8%	24.4%	9.9%

\*2009 data available for January through June at time of publication. Oklahoma Department of Human Services reports the number of Latino adults and children receiving TANF benefits across all households receiving TANF.

Source: Oklahoma Department of Human Services, Monthly Statistical Bulletins (Oklahoma City, OK: Office of Planning, Research and Statistics, January 2006–June 2009), <http://www.okdhs.org/library/stats/sb/default.htm> (accessed September 30, 2009).

2006, 2007, and most of 2008. The number of Latino children receiving TANF over the past three years was between approximately 1,900 and 2,400. During the last few months of 2008 and throughout 2009, the number of Latino children receiving TANF benefits increased slightly and reached 2,300 during summer 2009. The share of Latino children receiving TANF has increased in the last three years, up from 11.5% in January 2006 to 14.2% in June 2009.

In Oklahoma County, the number of adult Latinos receiving TANF fell between May 2007 and August 2008, down from 126 to 70 adults. However, the decrease happened at the same time that the overall number of adult TANF cases was falling. Over the past three years, despite the decrease in the number of Latino adults receiving TANF, their share of all adult TANF cases has increased slightly. Both the number and share of Latino adults receiving TANF increased in the fall and winter of 2008 to 2009. Between 2006 and 2009, the share of Latino children increased from 20–24% of all children receiving TANF.

There are few Latino adults in Tulsa County using TANF, even though unemployment rates in Tulsa and Oklahoma City were nearly identical between 2006 and 2008. Since 2006, no more than 18 Latino adults have received TANF. TANF use among adult Latinos fell between the passage and implementation of HB 1804 (May through November 2007), though it soon recovered to previous levels. Latino children receiving TANF followed a similar pattern. In April 2007, TANF receipt among Latino children reached a peak of

221, which fell nearly every month until July 2008 when 154 Latino children received TANF. Since then, the number has rebounded and reached 260 (over 10% of all children receiving TANF) in June 2009. In sum, the Latino share of TANF recipients reached a plateau between May and November 2007, decreased slowly for about one year, and then increased to the level reached in the spring of 2007.

## NONPROFIT AND PRIVATE-SECTOR SERVICES

**Nonprofit and private-sector service providers in Tulsa and Oklahoma City continue to serve immigrant families and their children.** For the most part, HB 1804 exempted nonprofit organizations and, as a result, most entities that were providing direct services to immigrants continued to do so after the law was implemented. The primary immigrant-serving community organizations had established relationships with immigrant families before HB 1804 and continued to communicate with the immigrant community after the legislation was passed. In many cases, the advent of HB 1804 introduced immigrant families with children to such organizations. For example, immigrant parents and workers, unsure about the intent or potential impact of the law, sought the advice and support of trusted immigrant-serving organizations, including churches, direct service providers and pro bono legal aide advocates. However, the number of nonprofit and private organizations that have effectively continued to serve the immigrant community remains understandably small when

compared to larger cities with an established and longstanding immigrant population. A few parents participating in the focus groups in both cities mentioned that they were turned away from some nonprofit and private organizations that provide housing, food, and clothing assistance. They described being rejected by such providers when they admitted not being legal residents.

## IDENTIFICATION AND VITAL RECORDS

**As of September 2008, the Oklahoma State Department of Health (OSDH) tightened the requirements to obtain vital records, including birth certificates, for all applicants, regardless of immigration status.** HB 1804 limits the issuance of primary identification, including driver's licenses, non-driver identification cards, voter registration cards, and birth certificates, to U.S. citizens and legal permanent residents only. Temporary identification cards can be issued to legally present noncitizens (e.g., those here with student or temporary work visas), but must be clearly marked as being temporary. Unauthorized immigrants were already restricted from obtaining Oklahoma driver's licenses prior to HB 1804. Schools have continued to issue identification cards to all students regardless of status. However, school-issued identification must have language indicating that it is only valid for school use.

When HB 1804 was first implemented, the Department of Public Safety required all

applicants to present their birth certificates to renew expired driver's licenses. In April 2009, the legislature passed HB 1092 which lifted the requirement and provided a grace period for those seeking to renew their licenses. Representative John Trebilcock (R-OK), the author of the bill, introduced the measure to address difficulties that Oklahomans with expired licenses were having after HB 1804 was implemented. He said, "Unfortunately, once your license has expired, you can't renew it unless you provide another form of identification, which is difficult for many people to obtain."<sup>63</sup> Applicants are now required to provide legal photo identification, such as driver's licenses and out-of country identification with a valid visa, when applying for vital records, including birth certificates. However, the state no longer allows "third-party vouching," meaning a third person can no longer vouch for your identify when you do not have the required forms of identification when applying for vital records. In several cases, parents in focus groups attributed changes in vital records procedure—and difficulties obtaining birth certificates—to HB 1804. The changes created delays and confusion, and some families were unable to obtain birth certificates for their U.S.-born children. Although often attributed to HB 1804, the increased difficulty many immigrants have faced when obtaining birth certificates for their citizen children is not directly related to this law. Irrespective of HB 1804, state officials noted they have been working to tighten all policies related to confidentiality, including what types of identification are considered to be "legal, valid



photo identification,” as required under the state law, when requesting vital records.

**Professional licenses issued by the Oklahoma State Department of Health require proof of legal residency under HB 1804.**

OSDH has determined that professional licenses they issue (e.g., for food handlers, nurse aides, and mental health counselors) constitute a “public benefit” and under HB 1804 require individuals to submit an affidavit verifying their legal presence in the United States. As a result, it is more difficult for all immigrants to obtain professional licenses and unauthorized immigrants can no longer obtain licenses to perform specific work, which may result in workers taking other jobs or losing their positions at work.

## EDUCATION

**Under federal law, all students, regardless of immigration status, have the right to attend school and to participate in school-related activities; enrollment in elementary and secondary schools is mostly exempt from HB 1804.**<sup>64</sup> The Oklahoma State Department of Education stated that the state must provide K–12 education to any student

that can prove residency within one of the state’s defined school districts. Schools are not restricting access, and many have worked with their immigrant communities to relay the message that it is safe for all children to attend school and school events. As one school representative noted, “We’re about taking care of kids regardless of status. We never felt pressure to look into students’ status.”

**Oklahoma City and Tulsa public schools, from prekindergarten through twelfth grade, experienced no significant declines in Latino or ELL student enrollment.**<sup>65</sup>

Some schools reported a slight, temporary decline in enrollment during the fall of 2007, but enrollment in both school districts rebounded no later than the fall of 2008–2009.<sup>66</sup> In anticipation of HB 1804, schools and parents discussed the potential impact of the law on student enrollment in public schools. When the law was passed, many expected fall enrollment to decline. Rumors circulated in immigrant communities that schools might report children and parents to immigration authorities. The rumors likely stemmed from an earlier version of HB 1804, known as HB 3119, which failed to become law in March 2006. HB 3119 had proposed the following:

“Any agency, school, or institution that issues identification documents... shall report in writing to the Attorney General of this state and to the United States Department of Homeland Security or any other federal office or agency designated for immigration law enforcement by the United States Department of Homeland Security, the name of any person subject to the provisions of this section who has failed to provide proof of lawful presence in the United States.”<sup>67</sup>

Focus groups reported no problems enrolling their children after the passage or implementation of HB 1804. One family mistook a school lunch program application for an attempt to verify the family's legal status. However, despite fears about school officials sharing immigrants' names with federal authorities, parents overwhelmingly described continued relationships with cooperative teachers and interpreters. Principals and teachers also reached out to their student body and their students' parents, including families who momentarily stopped sending their children to school. School administrators continued to encourage parental involvement in school activities.

**Despite fears of thinly populated school rooms, Oklahoma City public schools have experienced significant, sustained increases in Latino student enrollment.**

Latinos continue to compose a steadily increasing percentage of students in the district. The share of Latino students increased from 35% to 40% over the course of four academic years, beginning in 2005–2006 and continuing through 2008–2009. Over the same period, the Latino student population increased from 39% to 43% in elementary schools and from 33% to 39% in middle schools. The number of Latino high school seniors has also been steadily increasing. The percentage of Latino seniors from Oklahoma City high schools rose from 28% to 33% between 2005–2006 and 2008–2009. Thus, Latino high school senior enrollment remained stable despite the provisions in HB 1804 restricting their access to higher education.

Finally, the share of Latino students in prekindergarten and kindergarten also increased from 42% to 44%. Oklahoma has a state-funded universal prekindergarten program, and these data suggest it remained open to and popular among Latino families even in the wake of HB 1804 (Table 7).

**Tulsa public schools have experienced sustained increases in Latino student enrollment.**

The number of Latino high school seniors has steadily increased, and the percentage of Latino seniors rose from 12% to 15% over the course of four academic years, beginning in 2005–2006 and continuing through 2008–2009. The Latino student population in elementary (prekindergarten through fifth grade) and middle schools (sixth through eighth grade) rose from 20% to 23% in elementary schools and 15% to 20% in middle schools. As in Oklahoma, the number and percentage of Latino students in Tulsa prekindergarten and kindergarten programs increased from 21% to 26% of the student population—again proving the ongoing popularity of prekindergarten to the Latino population (Table 8).

**Although enrollment in public schools appears largely unaffected, some students' experiences at school changed after the passage and implementation of HB 1804.**

Some parents mentioned conflicts among students at school after the passage of HB 1804. Latino students reportedly clashed with non-Latino students. Parents recounted instances of verbal threats at school aimed

at their children. One parent described how her child hesitated to go to school because of ongoing taunts that began after HB 1804 was passed. In addition, another parent described her child’s distress after spotting a police car stationed outside the school for a week, which she said had never happened before HB 1804 became law. Although police never approached or arrested anyone, students feared that the police would take their parents away when they started school in the morning.

### HEAD START

Head Start program enrollment among Latinos has increased or changed only slightly since the implementation of HB 1804. Two Migrant and Seasonal Head Start programs opened in the state in the summer of 2007, and the centers have recruited families through outreach and by dispelling fears about HB 1804. Head Start personnel have devoted time and effort to retaining Latino and immigrant families since HB 1804 passed. Similar to elementary, middle, and high school personnel, Head Start administrators,

**Table 7**

Bilingual and ELL Students*—Oklahoma City Public School District					
School Year	Total Number of Students or Percent of Student Population	Latino Students	Latino Bilingual and ELL Students	Total Bilingual and ELL Students	Total Student Population
2005–2006	Number	14,219	11,824	12,730	40,322
	Percent	35.3%	29.3%	31.6%	100%
2006–2007	Number	15,026	12,334	13,258	40,778
	Percent	36.8%	30.2%	32.5%	100%
2007–2008	Number	15,689	12,647	13,612	40,985
	Percent	38.3%	30.9%	33.20%	100%
2008–2009	Number	16,328	13,205	14,180	41,089
	Percent	39.7%	32.1%	34.5%	100%

\*These calculations also include students who live in homes where English is not the dominant language.

Source: Oklahoma State Department of Education. Data obtained through open request. Attendance measured as of October of each academic year.

teachers, and directors communicated regularly with parents to ensure that families did not associate the provisions of HB 1804 with early education programs. In 2005–2006, 99% of all children ages zero to five in Oklahoma were born in the United States, which suggests that almost all children enrolled in these programs are United States citizens.<sup>68</sup>

Between 2005 and 2008, Latino enrollment increased from 13% to 17% of all Head Start students in the state. The Latino share of

students enrolled in Oklahoma City Head Start programs grew from 27% to 34%, although the total number of Latino children enrolled declined between 2005 and 2007 before rebounding slightly in 2008. The Latino percentage of students enrolled in Tulsa Head Start programs increased from 25% to 37%, and monthly data showed a steady increase in the number of Latino children.<sup>69</sup>

Two new Migrant and Seasonal Head Start centers, which are open between June and November each year, have been operating

**Table 8**

Bilingual and ELL Students*—Tulsa Public School District					
School Year	Total Number of Students or Percent of Student Population	Latino Students	Latino Bilingual and ELL Students	Total Bilingual and ELL Students	Total Student Population
2005–2006	Number	7,001	5,103	5,571	41,568
	Percent	16.8%	29.3%	31.6%	100%
2006–2007	Number	7,725	5,551	6,019	41,438
	Percent	18.6%	30.2%	32.5%	100%
2007–2008	Number	8,016	5,818	6,240	41,271
	Percent	19.4%	30.9%	33.2%	100%
2008–2009	Number	8,394	6,061	6,575	41,195
	Percent	20.4%	14.7%	16.0%	100%

\*These calculations also include students who live in homes where English is not the dominant language.

Source: Oklahoma State Department of Education. Data obtained through open request. Attendance measured as of October of each academic year.

in Oklahoma since 2007. One new center is located southwest of Oklahoma City in Fort Cobb, and the other center is located east of Tulsa in Tahlequah. Most of the children who attend the centers are Latino. Local respondents mentioned that some families in the area became wary of engaging the center after the passage of HB 1804. During the first summer of operation, after the passage of HB 1804, some families mistook Migrant Head Start buses for immigration authorities. Center personnel conduct ongoing outreach to inform communities about Head Start services and to inform families that Head Start services are unrelated to HB 1804.

## POSTSECONDARY EDUCATION

Restrictions on immigrant students' access to in-state tuition and financial aid have limited effects on the state budget, but they may have lasting effects on the state's workforce. The Task Force on Oklahoma Illegal Immigration Issues—created in 2004 by HB 2145—noted unauthorized students have a minimal impact on the state's higher education system. The total number of unauthorized students enrolled in Oklahoma public higher education institutions was 215 in school year 2004–2005; 204 in 2005–2006; 189 in 2006–2007; and 215 in 2007–2008. According to the state's Advancement of Hispanic Students in Higher Education Task Force, during the 2007–2008 academic school year, less than one-tenth of 1% (> 0.1%) of all students enrolled in Oklahoma's statewide system of higher

education were unauthorized immigrants. Unauthorized student enrollment has been concentrated in Oklahoma City Community College and Tulsa Community College.<sup>70</sup> In the fall 2005 and spring 2006 semesters, unauthorized students received just over 0.1% of the total \$96.8 million in state financial aid and tuition waivers provided to all Oklahoma students. Only 86 out of a total of 246 unauthorized students received any state financial aid.<sup>71</sup>

After the implementation of HB 1804, the Oklahoma State Regents for Higher Education disseminated guidance on unauthorized students to all public community colleges, colleges, and universities. The document clarified that unauthorized students enrolling for the first time in 2007–2008 and thereafter are subject to separate eligibility criteria for resident tuition and state financial aid. The letter identifies sources of aid inaccessible to unauthorized students as a result of HB 1804.<sup>72</sup>

Immigrant parents who participated in focus groups and service providers indicated that many immigrant youth feel discouraged about their futures in the wake of HB 1804 as they face increased challenges in obtaining affordable higher education. In one case, a student who secured a soccer scholarship lost his financial aid after he was unable to produce evidence that he was a legal resident or eligible to adjust his status. He dropped out because his family could not afford the tuition. In another case, a community college

student reported not being allowed to take final exams to earn a degree because she had not adjusted her status since enrolling. A career counselor described how her students felt that their college planning was “futile” given that a postsecondary education is now out of reach for students who cannot secure private scholarships or financial aid at private colleges or universities. An unauthorized student preparing for college was unable to apply for scholarships after the law went into effect. She asked her mother, “What future do we have in this country? Why do we study if we can’t help you?” Educators who had made inroads among Latino families may face challenges in the coming years, including efforts to extend community college outreach in predominantly Latino neighborhoods.

## LOCAL LAW ENFORCEMENT OF FEDERAL IMMIGRATION LAW

**HB 1804 did not create many new law enforcement policies that are distinct from existing federal law.** While the legislation does allow the State Attorney General to establish a 287(g) cooperation agreement between the state police and DHS for the purpose of enforcing immigration law, the state has not pursued such an agreement. The Tulsa County Sheriff’s Office is the only law enforcement entity in the state to have such an agreement. This agreement was pursued by the Sheriff’s Office as early as 2001 and a memorandum of agreement with DHS was signed in August 2007, about two months before HB 1804

was implemented. Yet many in Tulsa and surrounding communities do not distinguish between the provisions of HB 1804 and the Tulsa County Sheriff’s Office 287(g) agreement.

There is a provision of HB 1804 requiring that jails across the state make a “reasonable effort” to verify the legal status of anybody detained on a felony or DUI charge, which was already permissible under federal law. The Tulsa County Sheriff’s Office has clarified that their approach is to only refer individuals to federal authorities after an arrest has been made for non-immigration crimes or violations. Sheriff Stanley Glanz has publicly stated, “When we’re just driving down the street and stop someone, we don’t ask them where they’re from—foreign-born or not. If they violated the law, we deal with that and handle it accordingly.”<sup>73</sup> When 287(g) agreements, immigrant arrests, and removal proceedings following minor offenses drew increased attention from federal officials earlier in 2009, the Tulsa County Sheriff’s Office reiterated that the main purpose of the program was to apprehend serious criminals.<sup>74</sup>

**The law enforcement provisions of HB 1804 have not resulted in wide-scale arrests and deportations, but families in immigrant neighborhoods have grown wary of police in their communities.** As of February 2009, three separate 1804-related arrests were made throughout the state of Oklahoma. One incident resulted in the arrest of a man who may have been a “coyote” (i.e., a smuggler) trafficking unauthorized immigrants. In two

other instances, individuals were stopped for routine traffic violations and arrested when unable to prove their immigration status and the status of their passengers, a sibling and a roommate.<sup>75</sup> Each arrest was made by the Oklahoma Highway Patrol. Law enforcement officials in Tulsa indicated that the intent of the law is to apprehend those individuals who are transporting unauthorized immigrants for profit. Officials maintain the intent is not to target individuals who are providing “aid or comfort” (e.g., driving somebody to church or school).

There is no concrete evidence of massive roundups of unauthorized immigrants, and law enforcement officials clearly noted they had not participated in roadblocks, sweeps, or other activities targeting large groups of immigrants, or any type of profiling activities. At the same time, community members recounted stories of random road stops and road blocks. Several respondents noted there is no evidence of systematic intimidation on the part of police or sheriff’s deputies. Others, however, observed that there is tremendous fear within the immigrant community stemming in part from a perceived increase in traffic stops targeting Hispanics. One respondent noted that there is an issue of “driving while Hispanic” and that it appears that the sheriff’s department looks for opportunities to find out if people have their papers or not.

**There have, however, been a significant number of arrests related to Tulsa’s 287(g) agreement, which was implemented in August 2007.** As one advocate noted, “the

worst damage has been done by the 287(g) [in Tulsa].” Although separate from HB 1804, advocates noted that immigrants had become wary of law enforcement in general. Such apprehension about “anyone wearing a badge” may be rooted in the increase of 287(g)-related arrests. Between June 5 and October 31, 2007—immediately before the implementation of HB 1804—760 federal immigration detainees were issued and 526 inmates were transferred to the ICE office in Oklahoma City.<sup>76</sup> The Tulsa County Sheriff’s Office *2007 Annual Report* stated that 339 detainees were processed through deportation or federal immigration proceedings. Between mid-September of 2007 and the end of the year, 763 people stopped for traffic violations were booked at the county jail and identified as unauthorized immigrants. Another 102 were arrested on drug charges and 79 for driving under the influence.<sup>77</sup> Recent arrest data reveal an increase in arrests since the inception of Tulsa’s 287(g) agreement. Since June 2007 (prior to implementation of the 287(g) agreement) the Tulsa County jail has booked over 6,000 unauthorized immigrants, who account for 9% of all bookings. On average, the Tulsa county jail houses approximately 83 inmates with an immigration detainer each day. More than half of unauthorized immigrants were arrested for traffic violations. It is unclear what share of those arrested for traffic violations committed a serious crime, rather than marginal offenses.<sup>78</sup>

For the most part, public safety officials in Oklahoma believe that immigration is a federal

issue and that immigration law should be enforced by federal enforcement officers who are properly trained in these issues. Advocates and other respondents did, however, note a difference in mentality between the police and sheriff's departments when it comes to HB 1804 provisions.<sup>79</sup> In general, they find the chiefs of police to be cooperative in working with the immigrant community to reassure them that it is safe to report crimes and to explain their rights. Law enforcement officials in both Oklahoma City and Tulsa stated that they do not engage in activities that specifically target unauthorized immigrants, but many advocates and community members feel that Hispanics are in fact singled out for relatively minor traffic infractions and other similarly marginal offenses.

Immigrant parents who participated in focus group described traffic violations that resulted in arrests and, in some cases, deportation when the driver could not produce a valid driver's license or proof of legal residence. Representatives from the local police departments in particular noted that they do not ask for citizenship information when a crime is reported. Regardless, parents participating in focus groups described how they had become distrustful of law enforcement, even those who had known police officers before HB 1804, and said that they used to see them as "protectors of the community." In some cases, respondents said they refused to answer when police came to their door for fear of inviting someone into their home who could deport them and their family. These accounts may hinder community

policing initiatives that aim to work with local residents, such as the introduction of a Spanish-language phone line by the Tulsa Police Department in 2004.<sup>80</sup> A police officer noted that despite ongoing communication with the Latino community, local community policing efforts had not recovered from a loss of trust among immigrant families in the wake of the passage of HB 1804.

In August 2009, a student was arrested in a town 45 miles north of Tulsa for driving without a seatbelt or license, and he was subsequently referred to immigration authorities when he could not prove he was a U.S. citizen. It was the second such arrest to occur in that town. These arrests are outside the scope of HB 1804 because neither detainee was accused of committing a felony. However, a retired judge commented that the marginal offenses may have been referred to federal authorities by individuals who felt emboldened to report someone suspected of being in the country without authorization.<sup>81</sup>

**The requirement that jails verify the legal status of detained individuals has wide-reaching consequences.** The federal government has made expanding screening of inmates in state and local jails a high priority, meaning that many unauthorized immigrants may not realize the enormous risks they face if they commit even minor state or local infractions. Many offenses are not "bondable," meaning people being stopped need to provide identification and proof of residence,



but do not need to be detained. However, if they cannot provide documentation, they will be taken to jail to have their identification and residence verified. Therefore, any offense, even a relatively minor moving violation—such as driving without a seatbelt or failure to yield while pulling out of a driveway—can lead to deportation. One legal advocate noted that many people who are taken into custody to have their identification verified are scared and sign off on the deportation proceedings without seeking legal counsel. She also opined that “once the immigration issue is in motion, there’s nothing to stop it.” The Governor recently signed HB 2245, which aims to extend the practice of expedited removal and deportation throughout the state. Both Oklahoma City and Tulsa are proposed to be included in the Secure Communities Program by 2011, at which point virtually all inmates booked into the county jails will be screened automatically to check their immigration status.

**Much of the concern regarding law enforcement materialized immediately after HB 1804 was passed, months before it was implemented.** Immigrant families reported feeling “exposed” and fearful as soon as HB 1804 passed the legislature in May 2007. Families curtailed visits to local restaurants and parks for fear that immigration authorities were arresting people in public. Rumors spread quickly across immigrant communities that “immigration” was nearby, preventing families from venturing outside. Legal residents began

volunteering to drive relatives and neighbors to the store so unauthorized immigrants could avoid being behind the wheel. Many parents in focus groups described how they stopped driving as much as possible for fear of committing any routine, minor traffic violations. Many also reported abstaining from soccer leagues when HB 1804 was passed. Parents said that neither parents nor children felt safe attending games. Some parks went noticeably unused during the summer and fall of 2007, and respondents cited police presence near parks as the main reason families and children stayed away. Much of this fear had dissipated by the time of this study in October 2008, a year after implementation, though many immigrants retained their fear of driving.

## EMPLOYMENT

**HB 1804 provisions requiring state contractors to use E-Verify for new hires, to electronically verify their residency, precede similar efforts at the federal level.** HB 1804 includes employer provisions that mirror the previous three attempts to pass such legislation in the state. Notably, all public employers (i.e., every department, agency, or “instrumentality” of the state or a political subdivision of the state) must verify new workers’ immigration statuses as of HB 1804’s implementation. In September 2007, the Oklahoma Office of Personnel Management released a two-page letter announcing the impending change and offered education and training opportunities to familiarize

public employees with E-Verify. The issuance of an Executive Order requiring federal contractors to use E-Verify was postponed a number of times before being implemented.<sup>82</sup> USCIS implemented E-Verify in September 2009, and federal contractors and subcontractors are now required to use the program.<sup>83</sup>

**Due largely to an ongoing lawsuit, the effects of HB 1804's private employer provisions have yet to be seen, but they could have wide-ranging impacts on employers and the state's economy.** As of May 2009, the law's provisions regarding private employers have not been implemented. Although the private employer provisions remain under review, it appears that some employers decided to fire immigrant workers as a result of the bill's implementation. Focus group participants relayed accounts of layoffs as soon as HB 1804 became law in November 2007. Immigrants described employers acting in disarray, unsure about what HB 1804 meant for them or whether they were obligated to fire anyone they suspected to be in the country illegally.

**Although Oklahoma's employers await a decision regarding the employer provisions of HB 1804, there is anecdotal evidence that immigrant workers, parents, and youth in certain sectors of the economy and education systems have seen their employment prospects diminish.** Community leaders were concerned that HB 1804 had already begun to close doors to immigrants,

who have contributed to (and benefited from) the state's economy. As noted earlier, it has become more difficult to obtain OSDH-issued licenses required for many positions, including food handlers and nurse aides.

## CONCLUSIONS AND RECOMMENDATIONS

HB 1804 is largely superseded by federal law, especially when it comes to eligibility for public benefits, services, and prohibitions on transporting, concealing, harboring, or sheltering unauthorized immigrants. Despite the initial panic caused by the law's passage, the immigrant community's fears had calmed down significantly by October 2008—the time of our site visit and nearly a year after the law's implementation. By then, it was clear that HB 1804 had not changed the rules around eligibility for most benefits and services. Public benefit use by Latino families had not declined significantly, and any further “chilling effect” (beyond the existing effect of federal restrictions) caused by the new law had diminished. Schools and Head Start providers had conducted outreach to assure immigrant families that they were welcome in their programs, and Latino and ELL enrollment across all age groups, including pre-kindergarteners, continues a steady upward trend. There was no evidence that significant numbers of Latino immigrants permanently left Oklahoma, and in fact, relatively positive economic conditions may still be encouraging migration to the state.

Our research raises several points of caution:

- Although HB 1804 did not further restrict immigrant families' access to most services (including the access of citizen children of unauthorized parents), it did create an environment that many perceive to be inhospitable and may have hindered the ability of citizen children to receive public benefits to which they were eligible.
- Even though HB 1804 appears to have had little impact on immigrants' use of traditional public health care services, specialized services at state-funded university hospitals and medical centers appear to be less accessible to unauthorized immigrants in the wake of HB 1804. Immigrant families and their children who may require specialized medical services may not be able to readily access such care.
- HB 1804's provisions regarding in-state tuition have hampered immigrant access to higher education, although Latino high school enrollment has not declined. Without access to in-state tuition or state financial assistance, the promise of postsecondary education is beyond the reach of unauthorized immigrant children in Oklahoma and further hinders their ability to gain the knowledge and skills necessary to become productive members of the state's workforce.
- HB 1804 has created a "culture of fear" within the Latino community, whose members are afraid they will be stopped by police and questioned about their immigration status, which could lead to deportation and separation from their children. This has resulted in some immigrant families being afraid to leave their homes and subsequently withdrawing from community activities. It has also led to immigrants' reluctance to report criminal activity for fear of being questioned about their legal status.
- The heated rhetoric on both sides and ongoing initiatives to address illegal immigration at the state and local level have only added to the confusion. Proponents of the law often make many sweeping declarations about the negative impact of unauthorized immigration despite insufficient evidence. No complete cost-benefit study exists that examines the full contributions and expenditures related to unauthorized immigration in Oklahoma. Incomplete information results in confusion and is further compounded by rumors swirling within the immigrant community. There is a tremendous need to continue educating the immigrant community as well the general public. In addition, individuals must be educated about their legal rights and responsibilities as residents of Oklahoma.
- Identification problems still exist for many immigrants, who are barred from obtaining state-issued identification, and who have also had difficulty obtaining birth certificates

for U.S.-born children—though these difficulties do not appear to be related to HB 1804. Identification-related issues have the potential to affect all Oklahomans, regardless of immigration status. It has also become more difficult to apply for licenses for food handlers, nurse aides, and other OSDH-regulated professions.

- HB 1804 has provided anecdotal support to some individuals within the government and more generally in the public wishing to report unauthorized immigrants to the authorities. This aspect of the law has the potential to create an ongoing climate of fear, but so far the number of such reports has been minimal.
- HB 1804 did not include adequate guidance for state and local agencies, community-based organizations, and other service providers related to implementing provisions of the law. Agencies and organizations sought legal opinions from various sources and, in a couple of cases, revisited decisions about how to interpret HB 1804 when implementation proved too narrow (e.g., reversing a decision that a home visitation program is a public benefit) or impractical (e.g., lifting a determination that renewing a driver's license required a birth certificate).
- Local enforcement of immigration laws, for instance through Tulsa County's 287(g) agreement with DHS, has led to the arrest and deportation of several hundred immigrants. The biggest impact of this program seems to be that immigrants continue to fear driving, and this hinders their mobility. The heightened sense of fear and anxiety among immigrant families in Tulsa can be attributed to local law enforcement of federal immigration law, which raises concerns among immigrants of being separated from their children and other family members.
- The new HB 2245, along with a new federal program that could begin screening all inmates in Tulsa County and Oklahoma County jails by 2011, could result in the identification and deportation of large numbers of immigrants in the near future.
- There is still confusion regarding the implementation of some of HB 1804's provisions, and the courts have prevented implementation of some of the private employer provisions, including the mandate to use E-Verify. As a consequence, the full impact of HB 1804 has yet to be seen. Although Oklahoma's employers await a decision regarding the employer provisions of HB 1804, there is anecdotal evidence that immigrant workers, parents, and youth in certain sectors of the economy and education systems have seen their prospects in the state workforce shrink.

Based on our research, we provide the following policy recommendations:

- School districts, public benefit agencies, nonprofit service providers, community-based organizations, and health care providers should continue their outreach to inform immigrants about any needed services for which they might be eligible and that they will not be reported to the authorities. Immigrants and their children should be assured of their access to needed benefits and health care for which they are eligible, especially during the current economic downturn. Schools should continue working with immigrant youth who may face difficulties envisioning their future. Given recurring reports of anxiety and fear, continued outreach is needed in immigrant communities to address immediate and long-term mental health needs.
- State and local government agencies should set up ombudsmen, inspectors general, and/or complaint mechanisms from local immigrant communities to ensure that racial profiling, unlawful denial of benefits, harassment, and other violations of immigrants' and Latinos' rights do not occur. Existing entities should continue outreach in immigrant communities to ensure that violations of people's rights do not go unreported or unresolved. In addition to oversight measures and avenues to redress grievances, state agencies and employees should receive guidance regarding omnibus laws such as HB 1804 to reduce confusion about the intent of provisions in the law and guarantee consistent implementation.
- Immigration enforcement activities, including 287(g) programs, should be focused on serious criminals—those committing violent crimes and other felonies—and not on minor violations. If immigrant communities understand that only serious criminals are being targeted, then they are likely to be more cooperative with law enforcement officers, resulting in greater public safety for everyone. Local law enforcement agencies should continue to conduct their outreach within the immigrant communities, assuring them that it is safe to report crimes and that officers filing crime reports will not ask for their immigration documents.
- Immigrants may be right to assume that there is a “no tolerance” policy toward their behavior—especially while driving on city streets or state highways—in Oklahoma. Even though there have been only a handful of arrests for transporting aliens under HB 1804, and even though the 287(g) program is only active in Tulsa County, there is always the danger that a routine traffic stop or other contact with the police could quickly cascade into deportation. Implementation of Secure Communities or other programs to screen all inmates in state and county jails could further the danger that minor infractions could lead ultimately toward deportation.



## ENDNOTES

- <sup>1</sup> In July 2009, Oklahoma still had one of the lowest unemployment rates of any state: 6.5% versus 9.4% nationally. U.S. Bureau of Labor Statistics, “Regional and State Employment and Unemployment Summary: July 2009,” news release, August 21, 2009, <http://www.bls.gov/news.release/laus.nr0.htm> (accessed September 17, 2009).
- <sup>2</sup> This provision has yet to be implemented since it is being challenged in court.
- <sup>3</sup> The SAVE program is used to determine eligibility for certain federal benefits, including Medicaid, the Supplemental Nutrition Assistance Program (SNAP) (formerly known as the Food Stamp Program), Temporary Assistance for Needy Families (TANF), and Unemployment Insurance.
- <sup>4</sup> The 287(g) program is named for Section 287(g) of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996. Section 287(g) authorizes state and local law enforcement agencies to enforce federal immigration laws after receiving proper training and under the supervision of federal immigration agents. Sixty-six local law enforcement agencies throughout the country had 287(g) programs in place as of May 2009. For more information, see Delegation of Immigration Authority Section 287(g) Immigration and Nationality Act (Washington, DC: U.S. Immigration and Customs Enforcement, 2009).
- <sup>5</sup> Focus group participants were recruited through nonprofits, churches, and other organizations serving Latino communities in Oklahoma City and Tulsa.
- <sup>6</sup> Meredith Hindley, “Immigration to Oklahoma,” *Humanities* vol. 16, issue 1 (1995): 42.
- <sup>7</sup> For an account of how recent rapid Latino population growth was met by hostility, anti-immigrant ordinances, and increased scrutiny by local law enforcement, see Audrey Singer, Jill H. Wilson, and Brooke DeRenzis, *Prince William County Case Study: Immigrants, Politics, and Local Response in Suburban Washington* (Washington, DC: Brookings Institution, 2009).
- <sup>8</sup> Randolph Capps, Michael E. Fix, and Jeffrey S. Passel, *The Dispersal of Immigrants in the 1990s* (Washington, DC: The Urban Institute, 2002).
- <sup>9</sup> Oklahoma Department of Commerce, “2006 Selected Census Highlights,” Oklahoma City, OK, 2006. Migration numbers based on unpublished Internal Revenue Service (IRS) data.
- <sup>10</sup> Oceania is comprised of 21 countries and areas, including Australia and New Zealand.
- <sup>11</sup> Jeffrey S. Passel, Randolph Capps, and Michael Fix, *Undocumented Immigrants: Facts and Figures* (Washington, DC: The Urban Institute, 2004); Jeffrey S. Passel, *Estimates of the Size and Characteristics of the Undocumented Population* (Washington, DC: Pew Hispanic Center, 2005); *Estimates of the Unauthorized Migrant Population for States based on the March 2005 Community Population Survey* (Washington, DC: Pew Hispanic Center, 2006); Jeffrey S. Passel and D’Vera Cohn, *A Portrait of Unauthorized Immigrants in the United States* (Washington, DC: Pew Hispanic Center, 2009).
- <sup>12</sup> Estimate based on the U.S. Census, U.S. Bureau of the Census, “1990 Census Summary Tape File 3; 2000 Census Summary File 3; 2005–2007 American Community Survey,” American FactFinder, <http://www.factfinder.census.gov> (accessed September 30, 2009). Estimates for 2005–2007 are based on an average of the three years. In 1990, about 37,000 Latinos lived in either Tulsa or Oklahoma County, out of approximately 86,000 in the state. By 2005–2007, the Latino population in Tulsa or Oklahoma County increased to 134,000, out of approximately 248,000 Latinos in Oklahoma. By 2005–2007, Oklahoma’s foreign-born population was about 175,000, and approximately 105,000 lived in either Tulsa or Oklahoma County.
- <sup>13</sup> *Ibid.* Asian foreign-born populations also rose slightly during between 2000 and 2007—by approximately 10% in Oklahoma County and 13% in Tulsa County.
- <sup>14</sup> Aaron Terrazas and Jeanne Batalova, “The Most Up-to-Date Frequently Requested Statistics on Immigrants in the United States” (Washington, DC: Migration Policy Institute, 2008), <http://www.migrationinformation.org/Feature/display.cfm?id=714> (accessed September 17, 2009).
- <sup>15</sup> *A Portrait of Unauthorized Immigrants in the United States.*

<sup>16</sup> National Conference of State Legislatures, *2007 Enacted State Legislation Related to Immigrants and Immigration* (Washington, DC: National Conference of State Legislatures, 2008); National Conference of State Legislatures, *2009 Immigration-Related Bills and Resolutions in the States* (Washington, DC: National Conference of State Legislatures, 2009); *National Conference of State Legislatures, State Laws Related to Immigrants and Immigration in 2008* (Washington, DC: National Conference of State Legislatures, 2009).

<sup>17</sup> For an overview of qualified immigrants eligible for public benefits (as well as immigrants “not qualified”) see the National Immigration Law Center, *Guide to Immigrant Eligibility for Federal Programs* (Los Angeles, CA: National Immigration Law Center, 2002).

<sup>18</sup> *Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996*, H.R. 3734, 104th Cong., 2nd sess., (August 22, 1996).

<sup>19</sup> *Omnibus Consolidated Appropriations Act 1997*, H.R. 3610, 104th Cong., 2nd sess., (September 30, 1996).

<sup>20</sup> PRWORA and IIRIRA introduced new “sponsor-deeming” provisions. Sponsors sign an affidavit of support to show that an immigrant applying to adjust his or her status has sufficient financial support and will not become reliant on public cash assistance. If an eligible legal immigrant who is sponsored by a family member applies for public benefits within five years of arrival, their sponsors’ income is counted as part of the applicant’s income.

<sup>21</sup> Wendy Zimmerman and Karen C. Tumlin, *Patchwork Policies: State Assistance for Immigrants under Welfare Reform* (Washington, DC: The Urban Institute, 1999).

<sup>22</sup> Michael Fix and Jeffrey Passel, *The Scope and Impact of Welfare Reform’s Immigrant Provisions* (Washington, DC: The Urban Institute, 2001).

<sup>23</sup> Kinsey Alden Dinan, *Federal Policies Restrict Immigrant Children’s Access to Key Public Benefits* (New York, NY: National Center for Children in Poverty, 2005).

<sup>24</sup> Pamela Holcomb et al., *The Application Process for TANF, Food Stamps, Medicaid and SCHIP* (Washington, DC: The Urban Institute, 2003), 2–8.

<sup>25</sup> SNAP restrictions remained intact until 1998 when Congress restored eligibility for children and disabled adults, as long as they had arrived in the United States before August 22, 1996. Eligibility for immigrants who were age 65 or older before August 22 1996 was also restored. In 2002, four years after SNAP benefits were restored to some immigrants, the Farm Security and Rural Investment Act (also known as the Farm Bill) aligned SNAP benefits with the five-year bar for other federal benefit programs, thus eliminating the ten-year work requirement for legal immigrant adults. The changes were implemented the following year. In addition, all legal immigrant children have been eligible to receive SNAP benefits since October 2003, regardless of how long they have lived in the country.

<sup>26</sup> Earlier in 2009, President Obama signed the Children’s Health Insurance Program Reauthorization Act (CHIPRA) into law. CHIPRA also enacted a number of citizenship documentation changes, which extended identification requirements established four years ago by the Deficit Reduction Act (DRA). Since 2005, the DRA requires states to establish the citizenship status of anyone applying for or renewing Medicaid. State agencies must obtain “satisfactory documentary evidence” that, according to the Government Accountability Office, resulted in a decline in enrollment among eligible citizens. U.S. Government Accountability Office, *Medicaid: States Reported That Citizenship Documentation Requirement Resulted in Enrollment Declines for Eligible Citizens and Posed Administrative Burdens*, Washington, DC, 2007, <http://www.gao.gov/new.items/d07889.pdf> (accessed September 30, 2009).

<sup>27</sup> Michael Fix ed., *Immigrants and Welfare: The Impact of Welfare Reform on America’s Newcomers* (New York: Russell Sage, forthcoming).

<sup>28</sup> *The Application Process for TANF, Food Stamps, Medicaid and SCHIP*; Karen C. Tumlin and Wendy Zimmerman, *Immigrants and TANF: A Look at Immigrant Welfare Recipients in Three Cities* (Washington, DC: The Urban Institute, 2003); *Patchwork Policies: State Assistance for Immigrants under Welfare Reform*.

<sup>29</sup> U.S. Immigration and Customs Enforcement, “Delegation of Immigration Authority,” Washington, DC, 2009, [http://www.ice.gov/partners/287g/Section287\\_g.htm](http://www.ice.gov/partners/287g/Section287_g.htm) (accessed September 29, 2009).



<sup>30</sup> Randolph Capps, “Local Enforcement of Immigration Laws: Evolution of the 287(g) Program and Its Potential Impacts on Local Communities” in *The Role of Local Police: Striking a Balance between Immigration Enforcement and Civil Liberties*, ed. Anita Kashu (Washington, DC: Police Foundation, 2009), 155–168.

<sup>31</sup> U.S. Government Accountability Office, *Immigration Enforcement: Better Controls Needed over Program Authorizing State and Local Enforcement of Federal Immigration Laws*, Washington, DC, 2009, <http://www.gao.gov/new.items/d09109.pdf> (accessed September 30, 2009).

<sup>32</sup> For other examples of reports regarding 287(g) programs, see Aarti Shahani and Judith Greene, *Local Democracy on Ice: Why State and Local Governments Have No Business in Federal Immigration Law Enforcement* (Brooklyn, NY: Justice Strategies, 2009); Bassina Farbenblum and Jessica Jansyn, *Crossing The Line: Damaging Immigration Enforcement Practices by New Jersey Police Following Attorney General Law Enforcement Directive 2007-3* (Newark, NJ: Seton Hall Law School, 2009); and Deborah M. Weissman et al., *The Policies and Politics of Local Immigration Enforcement Laws 287(g) Program in North Carolina* (Chapel Hill, NC: University of North Carolina Immigration/Human Rights Policy Clinic, 2009).

<sup>33</sup> Oklahoma State Senate, *Oklahoma Fair Employment Act of 2005*, S.B. 510, 50th Legislature, 1st sess., (2005); Oklahoma State House of Representatives, *Financial Assistance Immigration Reporting Act of 2006*, H.B. 2613, 50th Legislature, 2nd sess., (2006); and Oklahoma State House of Representatives, *Oklahoma Taxpayer and Citizen Protection Act of 2006*, H.B. 3119, 50th Legislature, 2nd sess., (2006).

<sup>34</sup> Oklahoma State Senate, *Resolution to Create the Task Force on Oklahoma Illegal Immigration Issues*, S.R. 125, 50th Legislature, 2nd sess., (2006).

<sup>35</sup> Task Force on Oklahoma Illegal Immigration Issues, *Report on the Task Force on Oklahoma Illegal Immigration Issues* (Oklahoma City, OK: Oklahoma State Legislature, 2007).

<sup>36</sup> Michael Martin, “Oklahoma Legislature Weighs Tough Anti-Immigration Bill,” *Tell Me More with Michael Martin*, National Public Radio, October 31, 2007.

<sup>37</sup> The August 2009 unemployment rate for Oklahoma (6.8%) is preliminary. The Oklahoma unemployment rate is seasonally adjusted, and the national unemployment rate reflects the civilian labor force.

<sup>38</sup> Juan Miret, “Ola de rumores inundan a Tulsa – Sobreviviendo a la 1804 / A Wave of Rumors Flood Tulsa – Surviving 1804,” *Hispano de Tulsa*, November 9, 2007; Juan Miret, “La política migratoria, ¿incluye o excluye? / Immigration Politics: Inclusive or Exclusive?” *Hispano de Tulsa*, March 13, 2008; Juan Miret, “Y después de l 1 de julio, ¿que pasa? / And what happens after July 1?” *Hispano de Tulsa*, May 15, 2008; William R. Wynn, “HB 1804: ¿y ahora qué? / HB 1804: Now what?” *La Semana del Sur*, February 15-21, 2009.

<sup>39</sup> David Blatt, *Interpreting HB 1804: A Guide to Understanding Oklahoma’s New State Immigration Bill* (Tulsa, OK: Community Action Project, 2007).

<sup>40</sup> E-Verify is the U.S. Department of Homeland Security’s electronic verification database and is used to confirm individuals’ work authorization.

<sup>41</sup> Robert Boczkiewicz, “HB 1804 Fate up to Judges—A Federal Appeals Court Didn’t Say When it Would Rule on the Law,” *The Tulsa World*, May 5, 2009.

<sup>42</sup> House Bill 1804’s hiring provisions were heard on appeal by the United States Court of Appeals for the Tenth Circuit in May 2009.

<sup>43</sup> SNAP was formerly known as the Food Stamp Program.

<sup>44</sup> U.S. Code, Title 8—*Aliens and Nationality*, Chapter 6, Subsection II, sec. 137.

<sup>45</sup> Under Section 3242 of Title 70 of the *Oklahoma Statutes*, unauthorized students were entitled to in-state tuition and state financial aid if they had: 1) graduated from high school or had obtained a General Education Diploma (GED); 2) had lived in Oklahoma for at least two years with a legal guardian; 3) met the admissions requirements of the institution to which they were seeking admittance; 4) submitted a signed affidavit declaring they had started to process of obtaining legal status or intended to do so at their earliest opportunity.

<sup>46</sup> Another bill (SB 820) was passed in 2007 making unauthorized immigrants ineligible for the Oklahoma Higher Access Learning Program (OHALP), which provides scholarships for seniors who graduate from Oklahoma high schools.

<sup>47</sup> Ron Jenkins, "Lawmakers Packing 2010 Ballot with Propositions," *The Tulsa World*, May 25, 2009; Jim Myers, "Inhofe Pursues English-Only Bills—The Oklahoma Senator Would Make English the Official National Language," *The Tulsa World*, May 7, 2009; Associated Press, "House Approves Measure Giving Voters Final Say on Official Language Issue," *The Tulsa World*, May 6, 2009.

<sup>48</sup> Judy Gibbs Robinson, "Illegal Immigration: Despite Aid, Local Jails Foot Most of the Bill for Criminal Detainees—Feds Refuse to Pay Full Costs," *The Oklahoman*, January 7, 2007.

<sup>49</sup> "Lawmakers Vote to Deport Criminal Illegal Aliens," *Miami News-Record*, February 19, 2009; David Harper, "For Many, Prison Precedes Deportation," *The Tulsa World*, May 27, 2007.

<sup>50</sup> U.S. Immigration and Customs Enforcement, *Secure Communities Fact Sheet* (Washington, DC: U.S. Immigration and Customs Enforcement, 2009).

<sup>51</sup> U.S. Code, Title 8—*Aliens and Nationality*, Chapter 12, Subsection II, Part VIII, sec. 1324.

<sup>52</sup> Mark Spivey, "Judge Tosses Lawsuit on Legality of Company Renting Apartments to Illegal Immigrants," *Asbury Park Press*, April 13, 2009.

<sup>53</sup> Todd McHale, "Judge Tosses Hazleton's Anti-Illegal Immigration," *Burlington County Times*, July 27, 2007.

<sup>54</sup> Mark Hugo Lopez and Susan Minushkin, *2008 National Survey of Latinos: Hispanics See Their Situation in U.S. Deteriorating; Oppose Key Immigration Enforcement Measures* (Washington, DC: Pew Hispanic Center, 2008).

<sup>55</sup> Justin Juozapavicius, "Oklahoma Law Blamed for Hispanic Exodus—Baby Death Underscores Fear of Measure from Illegal Immigrants, Critics Say," *The Tulsa World*, January 25, 2008; Todd Jones, "Tougher Oklahoma Law Adds Risk to Health-Care Decisions," *The Columbus Dispatch*, September 9, 2008.

<sup>56</sup> Rhett Morgan, "Sullivan Vows to Fight Illegal Immigration," *The Tulsa World*, September 23, 2004; Jim Myers, "Agency Defends Release," *The Tulsa World*, October 4, 2004.

<sup>57</sup> "Memorandum Regarding Application of HB 1804 to the Children First Program," Oklahoma State Department of Health, December 28, 2007.

<sup>58</sup> A new federally funded program, "Soon-to-be-Sooners," provides prenatal care to unauthorized women and other non-citizens who will be giving birth to U.S. citizen children. Started in April 2008, this program was not included in our analysis.

<sup>59</sup> Oklahoma City-County Health Department monthly data between January 2006 and January 2009.

<sup>60</sup> Tulsa City-County Health Department annual data for fiscal years 2007 and 2008.

<sup>61</sup> OKDHS data do not report immigrant service use. Latino service use serves as a proxy for service use among eligible legal immigrants.

<sup>62</sup> OKDHS data do not report immigrant service use. Latino service use serves as a proxy for service use among eligible legal immigrants.

<sup>63</sup> Barbara Hoberock, "Lawmakers OK Driver's License Renewal Bill," *The Tulsa World*, March 6, 2009.

<sup>64</sup> Under *Plyler v. Doe*, U.S. 202(1982) the United States Supreme Court guaranteed the right of all children, regardless of immigration status, to attend school.

<sup>65</sup> All enrollment numbers and percentages in this section are based on total student population and race-ethnicity data from the Oklahoma State Department of Education.

<sup>66</sup> Andrea Eger and Nora Froeschle, "Schools See No Drain of Kids," *The Tulsa World*, October 30, 2007; Sarah Plummer, "Officials See Changes in Neighborhood," *The Tulsa World*, October 31, 2007; Associated Press, "OKC Principal Notes Enrollment Drop Tied to HB 1804," *The Tulsa World*, December 7, 2007; Andrea Eger and Nora Froeschle, "Hispanic Student Enrollment Declines," *The Tulsa World*, February 18, 2008.

<sup>67</sup> *Oklahoma Taxpayer and Citizen Protection Act of 2006*, H.B. 3119.

<sup>68</sup> The Urban Institute, “Children of Immigrants Data Tool,” Washington, DC, <http://www2.urban.org/charts/chartbook/pages.cfm> (accessed September 30, 2009).

<sup>69</sup> Data provided by the Office of Head Start, Administration for Children and Families, Department of Health and Human Services. The Community Action Project, which receives funding to operate Early Head Start and Head Start programs for almost all children enrolled in Tulsa, also provided attendance data for Tulsa programs.

<sup>70</sup> Advancement of Hispanic Students in Higher Education Task Force, *2008 Annual Report* (Oklahoma City, OK: Advancement of Hispanic Students in Higher Education Task Force, 2008).

<sup>71</sup> *Report on the Task Force on Oklahoma Illegal Immigration Issues*.

<sup>72</sup> Oklahoma State Regents for Higher Education, *Undocumented Immigrant Students: Information for the Oklahoma State System of Higher Education* (Oklahoma City, OK: Oklahoma State Regents for Higher Education, 2008).

<sup>73</sup> Jason Beaubien, “Immigrants Leave Okla. After Tough Law Enacted,” *All Things Considered*, National Public Radio, January 2, 2008.

<sup>74</sup> Jim Myers, “‘No Problem’ on New Immigration Policy—Tulsa County is Likely to Agree to Revised Rules on Enforcement,” *The Tulsa World*, July 14, 2009.

<sup>75</sup> Omer Gillham and Ginnie Graham, “1804 Law Nets 3 Arrests—After One Year, Arrests for Transporting Illegal Immigrants are Low,” *The Tulsa World*, October 26, 2008.

<sup>76</sup> Kevin Canfield, “Deputies Unfazed by New Law—Little Has Changed in the Way Deputies Go About Their Work at the Tulsa Jail and in the Field,” *The Tulsa World*, November 13, 2007.

<sup>77</sup> Tulsa County Sheriff’s Office, *2007 Annual Report* (Tulsa, OK: Tulsa County Sheriff’s Office, 2008).

<sup>78</sup> Ginnie Graham, “Illegal Immigrants Boost Inmate Totals—Traffic and Drug Offenses Top the List of Their Crimes,” *The Tulsa World*, September 6, 2009.

<sup>79</sup> Nationally, there are more 287(g) agreements with sheriff’s offices than city police departments. Most major metropolitan police departments have declined to participate in 287(g) or other high-profile immigration enforcement efforts.

<sup>80</sup> Luis Villagrana, “Abre Policía de Tula Línea en Español,” *Hispano de Tulsa*, July 7, 2004.

<sup>81</sup> Retired Judge Janice P. Dreiling, “Why Did This Happen Again?” *Bartlesville Examiner-Enterprise*, August 28, 2009.

<sup>82</sup> Beth Carlson, “E-Verify Requirement For Federal Contractors Delayed Until September 8,” *Newstex Blogs*, June 15, 2009.

<sup>83</sup> U.S. Citizenship and Immigration Services, “Federal Contractors Required to Use E-Verify Beginning Sept. 8, 2009,” Washington, DC, 2009, <http://www.uscis.gov/portal/site/uscis/menuitem> (accessed September 30, 2009).

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