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**Maria Cristina Morales, Denise Delgado  
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**Race and Social Problems**

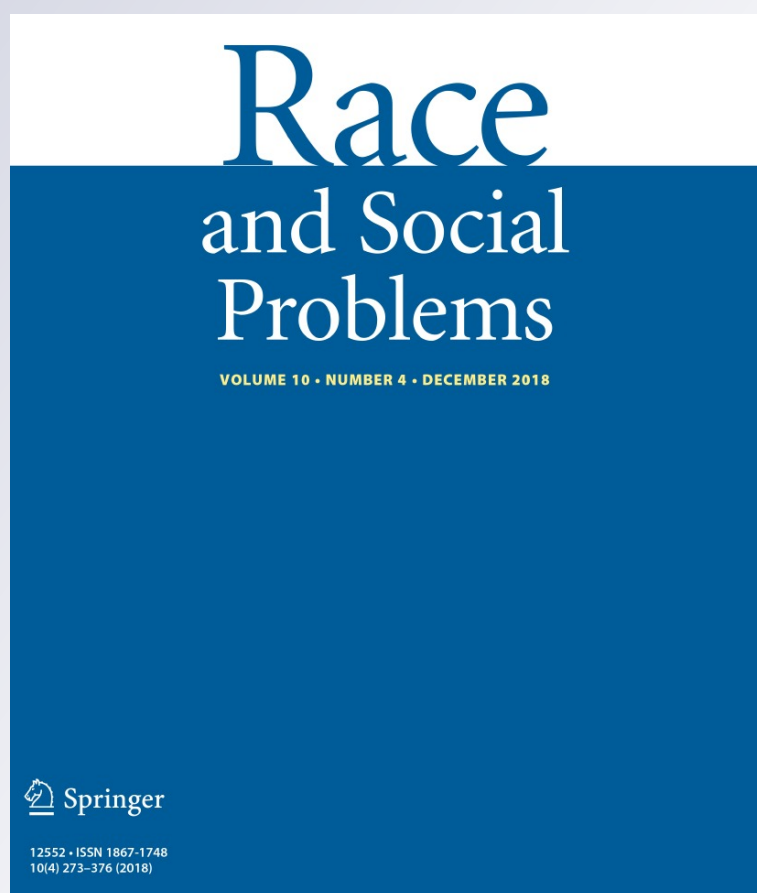
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# Variations in Citizenship Profiling by Generational Status: Individual and Neighborhood Characteristics of Latina/os Questioned by Law Enforcement About Their Legal Status

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## Abstract

Although racial profiling is widely studied, the related issue of citizenship profiling by law enforcement has received little scholarly attention. In this study we begin to address citizenship profiling, which may be highly salient in light of the increasing policing of immigration in the United States through Secure Communities and other federal, state and local efforts to localize the enforcement of immigration laws. Using a sample of 563 Latina/o adults residing in 46 neighborhoods in El Paso County, Texas, USA, we assess the impacts of a variety of individual and neighborhood characteristics on the likelihood of being questioned about citizenship status by law enforcement. Results using hierarchical generalized linear models (HGLMs) show that, at the individual-level, first-generation Latina/o immigrants and second-Latina/os are more likely to be questioned about citizenship status than third- and later-generation Latina/os. At the neighborhood-level, living in a neighborhood with a mid-level of Latina/o immigrant characteristics increased the probability of being questioned. The implications of these findings for citizenship profiling are discussed.

**Keywords** Citizenship profiling · Latina/os · Immigrant neighborhoods · Generational status · Policing

## Introduction

Mexicans have historically been systematically labeled as ‘criminals’, ‘*bandidos* (bandits)’, ‘foreigners’, and ‘illegals’ in the US (Sáenz and Morales 2015; Carter and Lippard 2015; Escobar 1999; Macias-Rojas 2016; Mirandé 1987; Rios 2011). Such social constructions of criminality have historically influenced law enforcement to ‘protect’ the public from Mexican-origin people who are perceived as criminal and culturally flawed (Escobar 1999). The racial profiling of Latina/os has occurred (see Miller 2011; Koch et al. 2016)

despite evidence of the *Latinalo Immigrant Crime Paradox*, which shows that Latina/o immigrants have lower crime than blacks, whites, and native-born Latina/os, in spite of their low socioeconomic status (e.g., Burchfield and Silver 2013; Hagan and Palloni 1999; Kubrin and Ishizawa 2012; Martínez 2015; Martínez and Stowell 2012; Martínez and Valenzuela 2006; Sampson 2008; Sampson and Bean 2006; Stowell et al. 2009).

Despite low crime rates among Latina/o immigrants, immigration policing that enforces civil and criminal violations of federal immigration law has grown across the US. The post 9/11 period marked the growth of the local policing of immigration beyond patrolling the ‘line’ or the international US Mexico boundary (Arriaga 2017; De Genova and Peutz 2010; Leerkes et al. 2013; Ngai 2014; Nguyen and Gill 2016; Provine 2016; Provine and Sanchez 2011). The surveillance of immigration also expanded under the 1996 Illegal Immigration Reform and Immigrant Responsibility Act via the expansion of state and local police functions under 287(g) policies where state and local law enforcement agencies enter agreements with the Attorney General to perform immigration law enforcement functions (see Armenta 2012; Provine et al. 2016; Wong 2012). Under President Obama,

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287(g) was phased out for being too costly and inefficient (Provine et al. 2016); however, it has been reinstated and strengthened under the Donald Trump Presidency (2017).

Similarly, Secure Communities is a US federal administrative initiative facilitating local- and state-level law enforcement to partner up with the US immigration and customs enforcement (ICE) and the Federal Bureau of Investigations (FBI) for immigration policing. Secure Communities ended in November 2014 and was replaced with Priority Enforcement Program (PEP). Both programs share similar objectives to utilize state and local police and courts for civil immigration enforcement but differ in that ICE no longer requests that local law enforcement detain a migrant unless he/she has been convicted of a crime or is considered a national security threat (García Hernández 2015). The recent and unprecedented convergence of criminal and immigration law at the levels of statute, policy, and implementation has been referred to as ‘crimmigration’ (Stumpf 2006). This large-scale restructuring, marked by a shift from national to local immigration policy, gave rise to a new regime in immigration enforcement in the US that makes the distinctions of “illegality” between citizens/documentated and undocumented individuals more important than before (Coutin 2011; Macias-Rojas 2016).

Given these developments, the overall objective of research is to begin to develop what we call *citizenship profiling*, or who is suspected of being undocumented and thus questioned about their citizenship status by law enforcement. We built the literature on the domestic policing of federal immigration law by examining the likelihood of being asked about citizenship status by law enforcement, statistically and theoretically introducing the concept of *citizenship profiling*, and by considering both individual- and neighborhood-level factors. In particular, we provide a statistical profile of who law enforcement suspects of being undocumented on the basis of *individual-level* factors (generational status, sex, and age) and by considering how contextual factors at the *neighborhood-level* (residing in poverty and Latina/o immigrant neighborhoods) might affect who law enforcement questions about citizenship. We base this study on primary research consisting of 563 surveys collected in 2014 in El Paso, Texas, US, a city along the US México that is 82.2% Latina/o.

Due to the local policing of federal immigration law, racial profiling among Latina/os is a growing concern (Briggs 2014; Cox and Miles 2015). Racial profiling occurs when Latina/os are stopped and questioned by law enforcement due to suspicion of their criminality. This study builds upon racial profiling to start to investigate what we call ‘*citizenship profiling*.’ Citizenship profiling extends the concept of racial profiling in a number of important ways. In accordance with intersectionality, citizenship status is interpreted through racialization. In citizenship profiling,

race/ethnicity may be the initial indicator that law enforcement uses for stops or searches but it is also connected to cultural characteristics associated with ‘foreignness’ such as English language fluency, accents, certain types of clothing, and a lack of understanding mainstream norms in the US. Therefore, similar to racial profiling, citizenship profiling is connected to phenotypical characteristics associated with people of color, but it is extended to perceptions of who may be undocumented or not a legal resident.

## Racial and Citizenship Profiling

Law enforcement officers may have daily encounters with immigrants even in locations across the US where state, county, or local law enforcement do not have agreements with the federal government to police immigration law. Scholars have argued that the growth in immigration policing at the local-level is a response to the rapid increase in immigrant populations and/or the browning of the population (Armenta 2016a; Sáenz 2010), although this pattern is less likely in traditional migration destinations (Wong 2012). Yet, the ‘browning’ and immigrant growth across the US suggests that even states, counties, and local law enforcement departments without agreements with the federal government to police immigration law are interacting more than ever with immigrants.

With the expansion of policing of immigration, citizenship profiling arises as an issue of increasing concern, yet scholarly work about who is profiled as an undocumented immigrant is very sparse. This is where we come in. Most of the literature on the policing of immigrants is qualitative in nature and has focused on the racialization of detecting undocumented immigrants that has led to the disproportionate deportation of Latina/os (e.g., Golash-Boza 2012; Provine et al. 2016; Romero 2006) and on the dis-functionality of local and state laws aimed at policing immigration (e.g., Armenta 2016a; Golash-Boza 2015; Motomura 2011; Provine et al. 2016; Provine and Sanchez 2011; Varsanyi 2008). Other studies have documented how law enforcement involvement in federal immigration law has compromised perceptions of police (Nygund and Gill 2016; Theodore and Habans 2016).

The practice of detecting undocumented immigrants has disproportionately targeted Latina/os, especially poor Mexicans and Central Americans (Arriaga 2017; Chavez 2008; Ngai 2014; Provine et al. 2016; Provine and Sanchez 2011). In particular, municipal policing practices aimed at immigrant removal has led to ethno-racial profiling, hyper-surveillance, and abusive stops (Provine and Sanchez 2011). Though research on this issue is scarce, existing findings show that undocumented immigrants perceive that the police are actively profiling them (Aranda and Vaquera

2015). Moreover, Theodore and Habans (2016) found that immigration enforcement negatively affected the perceptions of police of both undocumented and authorized Latina/os, which compromises cooperation with police and public safety. Yet, even before the rise in the local policing of immigration, Latina/os, including citizens and legal permanent residents, reported they are more frequently stopped and have more negative perceptions of the police (Vidales et al. 2009).

When it comes to actual stops, close to 10% of Mexican-origin individuals, both native- and foreign-born, have been stopped by the police and asked about their immigration status in the US (Sáenz and Morales 2015). Therefore, who is questioned about citizenship status is not solely restricted to immigrants but also to US citizens. This is evident in the 834 US citizens who were mistakenly detained under Secure Communities (Provine et al. 2016). Thus, similar to the influence of racial profiling on drug enforcement disparities (Koch et al. 2016), there are indications of racial and citizenship profiling to enforce immigration laws.

## Policing Discretion and Immigrants

To address who is questioned by law enforcement for suspicion of being undocumented is difficult in part due to the wide discretion that police work entails. Provine et al. (2016, p. 105) argued that “law enforcement is intensely individualistic work in which officers on the street are generally beyond the view of their supervising officers and enjoy wide discretion regarding how to investigate, and whom to question, stop, and arrest”. Moreover, officers can almost always find probable cause to pull over a driver or question a pedestrian. For instance, officers can follow a car to find probable cause (i.e., not wearing seatbelts) and make a stop for technical violations such as a broken taillight (Provine et al. 2016). Under such circumstances the real reason for a stop differs from the violation that someone is cited for.

Immigration policing can also occur in departments with no policies aimed at enforcing federal immigration policies through the ‘back door’ via ordinances on the use of public space that directly or indirectly exclude undocumented individuals (Varsanyi 2008). Perhaps the most common ‘back door’ enforcement of immigration law is through traffic offenses. Indeed, the most serious charge for over half of the immigrants deported in 2013 was a traffic violation (Provine et al. 2016). In a study of 287(g) in Nashville, Armenta (2016a, b) found that department culture prioritizes traffic stops which inevitably places local police in contact with unauthorized immigrants who, because of ineligibility for driver’s license and identification cards, are vulnerable to arrest. This is a concern for undocumented immigrants (first-generation individuals without authorization to reside in the

US) who, with a few exceptions, do not have access to a state IDs and driver’s licenses, and thus are committing an infraction with the very act of driving. In contrast, individuals who are second- and later generations are US citizens who have access to legally attain a driver’s license.

Law enforcement may disproportionately question first-generation immigrants under the assumption of their illegality. Specifically, law enforcement may question those who display immigrant characteristics such as Latina/o phenotype, lack of acculturation to US driving norms, limited English skills, types of dress, or a combination of these characteristics, and suspect they are undocumented. In the case of second-generation Latina/os, even though they are US citizens, they may still display foreign-born cultural characteristics being that they are from immigrant families and thus may culturally still resemble the first-generation (reference). Therefore, based on insights from the literature we predict that Latina/os who are first-generation (immigrant) and second-generation (children of immigrants), in contrast to third- and later-generations, are more likely to be targeted and questioned about their citizenship by law enforcement net of demographic factors at the individual-level and the influence of the neighborhood-level characteristics.

## Neighborhood-Level

Despite an individual’s race/ethnicity and immigration status, the neighborhood context in which individuals reside could provide important contextual information about who is asked about their citizenship status by law enforcement. To date, most of the literature on policing and Latina/os and immigrants focuses on how individual-level characteristics influence questioning and detention by police, rather than characteristics associated with neighborhoods in which individuals reside. On the other hand, most of the literature on policing and neighborhood context in the US has focused on ethnographic scholarship of the experiences of poor urban blacks and has highlighted punitive surveillance, a disproportionate number of citations, and disrespectful treatment (e.g., Desmond and Valdez 2013; Rios 2011), among other negative impacts. Below we discuss neighborhood-level characteristics that may influence citizenship profiling among Latina/os.

The influence of poverty and Latina/o neighborhoods on policing has focused largely on crime (Martínez 2008). Blacks and Latina/os are often relegated to reside in geographical areas marked by concentrated disadvantage and social isolation due to an array of economic and social disparities (e.g., joblessness, welfare dependency, poverty, family disruption, and residential instability) all of which are associated with crime (Martin et al. 2011). Moreover, residing in poor neighborhoods exposes blacks

and Latina/os to a range of negative effects including the disproportionate experiences with police surveillance and stops (e.g., Brunson 2007; Brunson and Miller 2006; Rios 2011). Thus, we predict that residing in poor neighborhoods will be associated with an increased likelihood of being questioned about citizenship status by law enforcement.

There are also some indications that Latina/o immigrant neighborhoods are targeted for the presumed illegality of its residents. Adler (2006) documented federal police raids in an immigrant enclave that was transitioning from Italian to Latina/o in New Jersey. Similarly, while referring to border communities generally, Macias-Rojas (2016) argued residents get branded as ‘perpetrators’ and ‘criminals’ through stops and arrest and prosecution, sentencing, imprisonment for immigrant-related offenses and even wrongful deportation. Romero (2006) also found the Chandler Roundups in Arizona targeted residents for their ‘Mexicanness’, speaking Spanish, and being in a Latina/o neighborhood. Given that citizenship profiling disproportionately intends to target immigrants, we predict that those who reside in low or mid-level Latina/o immigration neighborhoods are less likely to be questioned about citizenship status than those who live in neighborhoods with a high concentration of immigrants.

## Summary of Hypothesis

**H1** Latina/os who are first-generation are more likely to be questioned about their citizenship status by law enforcement than those who are third- and later-generations.

**H2** Latina/os who are second-generation are more likely to be questioned about their citizenship status by law enforcement than those who are third- and later-generations.

**H3** As poverty in neighborhoods increases the likelihood of being questioned about citizenship status by law enforcement increases.

**H4** Residing in a neighborhood with a low concentration of Latina/o immigrants, in contrast to a neighborhood high in Latina/o immigrant concentration, is associated with a decrease in the likelihood of being questioned about citizenship status by law enforcement.

**H5** Residing in a neighborhood with a mid-level Latina/o immigrant concentration as opposed to a neighborhood high in Latina/o immigrant concentration is associated with a decrease increase in the likelihood of being questioned about citizenship status by law enforcement.

## Data and Methods

### Sampling

This study is based on primary data from the El Paso Neighborhood Survey consisting of 46 neighborhood clusters and 563 individual surveys. Our sampling design follows Robert Sampson’s and associates (1997) Community Survey Component of the *Project on Human Development for Chicago Neighborhoods* (PHDCN) dataset. We operationalize neighborhoods by aggregating census tracts that were similar in terms of geographic information (such as interstates, roads, and other landmarks), demographic and economic indicators from the American Community Survey (ACS) (2015) 5 year (2008–2012) census tract data on economic, foreign-born, language, and Latina/o, and a rapid ethnographic assessment where we gained information from street-level observations about whether the census tracts should be considered stand-alone neighborhoods or joined with neighboring census tracts. We then randomly selected neighborhood clusters and randomly selected 20 households within each neighborhood. The response rate is 74.9%. It is likely that it was the less vulnerable that refused to participate and as such the size effects might be even larger than those reported in this study.

Once selected at random, we mailed a letter notifying respondents that their household had been randomly selected to participate in the study and asked if they volunteer to participate. Respondents were given the option to either call and schedule an appointment or a research assistant will show up to their household in 3–4 days to conduct the interview or schedule an appointment. The adult in the household with the most recent birthday was selected to answer the survey. Respondents were paid \$20.00 for participating in the study. Interviews were conducted in the preferred language of the interviewee (English or Spanish). The survey consisted of 261 questions and lasted 45 min on average.

Data were collected between March and August of 2014 in El Paso, Texas, US, by two of the faculty authors on this paper and 50 graduate/undergraduate students. Specifically, students enrolled in a two-semester methods course that focused on methodological training and consequent data collection for this project. Students became CITI certified and we received IRB approval. 94% of the interviewers were Latina/o. For this study, we focused solely on Latina/o respondents ( $N=563$ ). According to the American Community Survey (2015) El Paso County is 82.2% Latina/o in contrast to our sample that is 83% Latina/o. In regard to generational status, our sample is 18% first-generation, 33% are second-generation, and 47% third generation and later. Similar to our sample ACS (2015) for El Paso County, Texas is 25.9% foreign-born (first-generation).

## Context

El Paso, Texas, is located along the US–Mexico border. El Paso represents an ideal site to conduct a study on perceptions of citizenship illegality given that according to the US Census estimates 25.5% of the population is foreign-born and 82.2% Latina/o (of which 76.6% is Mexican-origin). Moreover, El Paso is a heavily surveilled city given its location along the geopolitical international boundary with Mexico.

While residents are familiar with the presence of federal police, particularly border patrol, most policing encounters involve local law enforcement. The city of El Paso also has no 287(g) agreements that allow the domestic policing of federal immigration law but did practice Secure Communities, now PEP. It is important to emphasize that even in cities that resist cooperation with federal efforts to engage in local policing of immigration, there is still exposure to the national emphasis on enforcement (Provine et al. 2016). In such instances, *citizenship profiling* may occur even departments that do not adhere to partnerships with the Department of Homeland Security being that policing immigration occurs any time field officers encounter a foreign-born individual (see Armenta 2012).

## Level-1 Dependent, Independent, and Controls

The dependent variable in the analysis is *Asked Citizenship Status* and is based on the question, ‘In the last five years, other than at ports of entry or immigration checkpoints, how often has law enforcement personnel ever asked you about your citizenship status?’ Although the question allows for individuals to indicate if they have been stopped more than once, due to statistical concerns with missing data and low frequencies of individuals that have been asked about their citizenship status in over five different occasions, we operationalize the dependent variable as ‘1’ if respondents were ever asked about their citizenship status, ‘0’ if otherwise.

There are some caveats about the dependent variable. We do not know if the individuals are asked about citizenship status by police, sheriff, or border patrol. Yet, it is highly probable that the questioning about citizenship is done by local (police department or sheriff) given that, in El Paso, border patrol is largely restricted to enforcing the international boundary. We also lack data on where individuals were asked about their citizenship status and the activities that they were involved in at that moment (i.e., driving, working, hanging out, etc...), yet characteristics of the neighborhoods’ individuals reside in can reveal the impact of residing in an immigrant neighborhood and residential poverty on the likelihood of being asked about citizenship status. Lastly, this is an inferential rather than a direct measure of citizenship profiling. Profiling is a complex

“conglomeration of physical, behavioral, and psychological components that increase the probability of apprehending a suspect” (Higgins 2008, p. 1). Yet, we built upon quantitative measures of racial profiling in the literature that use disparities in stops and arrest (2008 reference) and individual perceptions of being profiled (e.g., reference) as measures of racial profiling. We do capture if individuals are suspected of being undocumented being that officers are directly asking about citizenship status. Therefore, the dependent variable does capture our overall objective to create a profile of who is being targeted for migration policing.

The independent variable is generational status. We measure generational status according to the standards in this field (see Kao and Tienda 1995). The first generation consists of Latina/os who were born outside the United States. The second generation consists of Latina/os who were born in the United States and whose mothers are foreign-born. The third and/or later generations include Latina/os who were born in the United States and whose mothers were also born in the United States. Generational status is measured using two dummy variables (first and second generation), with Latina/os who are third and/or later generations being the reference group.

At the individual-level we also included controls for the demographic variables of sex and age. Sex is entered as a dummy variable (1 = male, 0 = female). Age is measured as a continuous variable. Unfortunately, we are not able to include a control for social class at the individual-level due to a large number of missing values.

## Level 2: Latina/o Immigrant and Poverty Neighborhoods

To capture the degree to which a neighborhood has characteristics of a Latina/o immigrant community we used a combination of survey and the American Community Survey (2015) (ACS 2008–2012) (Table 3 in Appendix). Items for the scale were converted to z-scores and averaged to create a scale measure of Latina/o immigrant neighborhood. Cronbach’s Alpha for characteristics of Latina/o immigrant neighborhoods is 0.824. Factor analysis extracted a single factor where the lowest loading is 0.771. Preliminary analysis determined that the influence of the degree to which a neighborhood has immigrant characteristics on being asked about citizenship status by law enforcement is not linear so we constructed dummy variables representing low Latina/o immigrant neighborhoods (1 = z-scores representing the bottom 30th percentile; 0 = otherwise) and mid-level Latina/o immigrant neighborhoods (1 = z-scores between 31st and 60th percentile; 0 = otherwise), with the reference category representing neighborhoods with high-levels Latina/o immigrants (z-scores above the 61st percentile) (Table 1).

**Table 1** Description of variables in the analysis. *Source* El Paso neighborhood survey

Variables	Description	N	Mean	SD
<b>Dependent variable</b>				
Asked citizenship status	1 = Yes 0 = No	563	0.19	0.40
<b>Level 1</b>				
Age	Continuous	563	40.62	15.35
Sex	1 = Male 0 = Female	563	0.48	0.50
First generation	1 = Yes 0 = No	563	0.30	0.46
Second generation	1 = Yes 0 = No	563	0.33	0.47
Third generation	Reference			
<b>Level 2</b>				
<b>Immigrant neighborhood</b>				
Low-level	1 = Yes 0 = No	46	0.33	0.47
Medium-level	1 = Yes 0 = No	46	0.35	0.48
Large-level	Reference			
Percent of households that earn less than \$10,000	Continuous	46	11.42	8.32

To capture neighborhood poverty, we used ACS (2015) 5-year (2008–2012) census data pertaining to each neighborhood cluster. Specifically, the poverty variable is a continuous variable based on ACS data on the percent of households that earn less than 10,000 dollars that pertains to each neighborhood cluster. For neighborhood clusters with more than one tract, the data for these clusters were averaged across tracts.

**HGLM Analysis**

Hierarchical linear modeling analysis is required since individuals are nested in neighborhoods and not randomly distributed (Bryk et al. 1992). Multilevel data violates the assumption that low-level observations are independent leading to biased standard errors, inflated Type I errors, and even incorrect inferences, thus multilevel techniques are suitable for this study (Hox 2010). Multilevel modeling was applied to cluster structures, indicating that individuals (Level 1) are nested within neighborhoods (Level 2) and can exert cross-level interaction effects. Missing data were handled with listwise deletion of cases when the MDM file was made.

Since our dependent/outcome variable is binary, it is appropriate to use multilevel logistic regression also referred to as hierarchical generalized linear models (HGLMs) to analyse the nonlinear structural models (Raudenbush and Bryk 2002). Unlike HLM, HGLM uses a binomial level-1

sampling model and a logit link. We are interested in the probability of law enforcement asking about citizenship (1 if yes, 0 if no) and every level-1 record corresponds to a person with a single binary outcome so the model type is Bernoulli (Raudenbush et al. 2011). We used Bernoulli distribution because the dependent variable is binary and EM Laplace iterations produce a unit-specific model of EM Laplace estimation output.

Three models were used in this study. Model 1 is an unconditional model to determine if the variation in law enforcement asking about citizenship status varies across neighborhoods. Model 1 also examined the utility of multilevel modelling (Hox 2010) and served as the benchmark for comparison with the other models. We then ran a random coefficients model (Model 2) with Level-1 predictors to assess whether any of the slopes were significantly different from zero when allowed to vary across neighborhoods. This model was used to explore whether the individual-level factors contribute to law enforcement asking about citizenship status, net of other individual-level controls. In particular, Model 2 predicts the natural log odds of law enforcement asking about citizenship status as a function of all individual-level covariates, where  $r_{ij}$  is a random effect that determines if being asked about citizenship status significantly varies across neighborhoods net of individual characteristics. A population-average model with robust standard errors (Model 3) examines the relations between neighborhood-level factors and the likelihood of being asked about citizenship status accounting for individual-level factors. The population-average model allows for random variation of the neighborhood-level error term and thus estimates the expected change in the mean outcome across the population, not just for neighborhoods that share error variance. This feature is contingent on the nonlinear logit function. Model 3 constitutes a full multilevel model examining the probability of being asked about citizenship status by law enforcement:

**Level-1 Model**

$$\text{Prob}(Y = 1|B) = P$$

$$\log[P/(1-P)] = B_0 + B_1*(AGE) + B_2*(MALE) + B_3*(FIRSTGEN) + B_4*(SECONDGEN)$$

**Level-2 Model**

$$B_0 = G_{00} + G_{01}*(LESSTHAN) + G_{02}*(ENCLLOW) + G_{03}*(ENCLMED) + u_0$$

$$B_1 = G_{10}$$

$$B_2 = G_{20}$$

$$B_3 = G_{30}$$

$$B_4 = G_{40}$$

**Mixed Model**

$$\eta = G_{00} + G_{01} * LESSTHAN + G_{02} * ENCLLOW + G_{03} * ENCLMED$$

$$+ G_{10} * AGE$$

$$+ G_{20} * MALE$$

$$+ G_{30} * FIRSTGEN$$



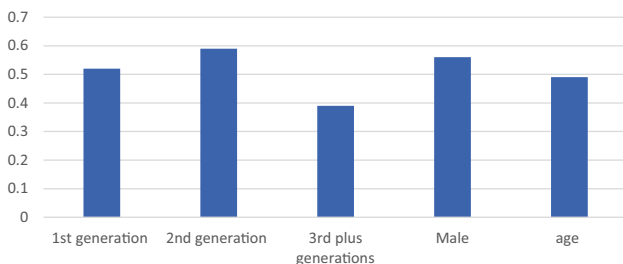
+ G40\*SECONDGEN  
+ u0

## Results

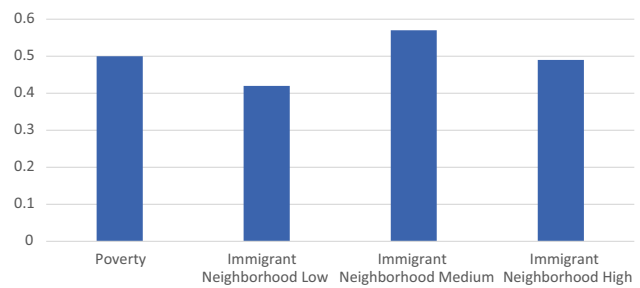
### Bivariate Analysis

The predictive probabilities of being asked about citizenship status by law enforcement are calculated to provide an initial bivariate association between independent variables and controls on being asked about citizenship status. Figure 1 provides the individual-level (Level 1) probabilities of being questioned about citizenship status. The predicted probability of being questioned about citizenship status is highest for the second-generation (0.59), followed by the first-generation (0.52), and lastly the third and later generations (0.39). Therefore, there is preliminary support for Hypotheses 1 and 2 in that the first- and second-generation are more likely to be profiled for citizenship. Being male, in contrast to female, is associated with a predicted probability of 0.56 of being questioned by law enforcement about citizenship status. Lastly, to predict the influence of age on the likelihood of being asked about citizenship the mean value of age is used (Sweet and Grace-Martin 2012). Being of average age resulted in a 0.49 probability of being questioned about citizenship status by law enforcement.

Figure 2 presents the predicted probabilities of being questioned about citizenship status by law enforcement across neighborhood-level characteristics (Level 2). Those residing in neighborhoods with an average number of families earning less than 10,000 have a probability of 0.50 of being questioned by law enforcement about citizenship status. Thus, half of individuals asked about citizenship status reside in poor neighborhoods. In regard to Latina/o immigrant neighborhoods, the predicted probabilities of being profiled for citizenship is greatest for those who reside in neighborhoods with a mid-level of Latina/o immigrant characteristics (0.57), followed by high Latina/o immigrant neighborhoods (0.49), and lastly those who reside in



**Fig. 1** Predicted probabilities of being asked about citizenship status by law enforcement, individual-level factors. *Source* El Paso Neighborhood Survey



**Fig. 2** Predicted probability of being asked about citizenship status by law enforcement, neighborhood-level factors. *Source* El Paso Neighborhood Survey

neighborhoods with a low concentration of Latina/o immigrants (0.42). Therefore, there is some mixed preliminary support about the influence of neighborhood Latina/o immigrant concentration (Hypothesis 5 and 6).

### Hierarchical Generalized Linear Modeling (HGLM)

To more fully examine the relationship between generational status (Level 1) and poverty and Latina/o immigrant neighborhoods (Level 2) on being questioned about citizenship status by law enforcement, hierarchical generalized linear modeling (HGLM) is used. Table 2 presents the HGLM multilevel models predicting being asked about citizenship status by law enforcement. The unconditional model (Model 1) is a preliminary model that determines the expected log-odds of being asked about citizenship status by law enforcement. Model 1 excludes individual-level

**Table 2** HGLM analysis for odds of being questioned about citizenship

	Model 1	Model 2	Model 3
<b>Level-1</b>			
Intercept	0.240***	0.139***	0.110***
First-generation		1.829*	1.888*
Second-generation		1.782*	1.772*
Third plus (reference)			
Male		1.249	1.238
Age		0.972***	0.972***
<b>Level-2</b>			
% Poverty			1.025
Immigrant neighborhood			
Low-level			1.151
Medium-level			1.560*
Large-level (reference)			

Likelihood ratio test of change of deviance is 18.89 model 1 (1586.22) to model 2 (1567.33) and 23.4 (model 1 (1586.22) to model 3 (1562.82))

Significance levels: \* $p < 0.05$ , \*\* $p < 0.01$ , \*\*\* $p < 0.001$

and neighborhood-level predictors and shows how much variance there is around the intercept (Bryk and Raudenbush 1992). The intercept was significantly different from zero ( $p$ -value  $< 0.001$ ) and thus there is significant variation among neighborhoods (Bryk et al. 1992). Therefore, there is a nested effect that warrants a multilevel analysis given that Level 2 (neighborhood) predictors had variation to explain. In this case, the expected log-odds corresponds to a probability of  $1 / (1 + \exp\{-1.426758\}) = 0.81$  of Latina/os being asked about their citizenship status by law enforcement. Therefore, Latina/os who law enforcement ask about their citizenship status are significantly different from those who did not get asked and that being asked about citizenship status varies across neighborhoods.

Model 2 introduces individual-level variables predicting who is asked about citizenship status and it allows for intercepts and slopes to vary across Level 2. The deviance statistic allows a comparison between nested models (Heck et al. 2013) and our results indicate that adding the Level 1 individual-level parameters decreases the deviance statistic indicating improved model fit from the unconditional model (Table 2). Results show that the between neighborhood differences observed in Model 1 remain statistically significant after accounting for individual attributes. Supporting Hypotheses 1 and 2, being first- or second-generation has a positive effect on the probability of law enforcement officers asking about citizenship status net of the influence of sex and age. In particular, being first-generation, in contrast to third-generation and later, is associated with an increase in the likelihood of being asked about citizenship status by law enforcement by 83%. Being second-generation increases the likelihood of law enforcement asking about citizenship status by 78%, in contrast to those who are third- and later-generations. Among the demographic controls, only age is statistically significant. Specifically, with an increase in age there is a decrease in the likelihood of being asked about citizenship status by law enforcement.

Model 3, the population-average model with robust standard errors, contains valuable information concerning neighborhood effects (third column of Table 2). The deviance statistic for model 3 indicates that considering both Level 2 and Level 1 parameters further improve the model fit from the unconditional model (model 1 of Table 2). As the percentage of residents in poverty increases in the neighborhood there is a corresponding increase in the odds of being questioned about citizenship status, but those results are not statistically significant (Hypothesis 3). In regard to the influence of residing in Latina/o immigrant neighborhoods on the odds of being profiled for citizen our study revealed some interesting results. There is no support for Hypotheses 4 and 5, stating that residents of neighborhoods with low or mid-level of Latina/o immigrant concentrations are less likely to be questioned about citizenship than those who reside

in neighborhoods with a high concentration of Latina/o immigrants. Yet, living in a neighborhood that is considered mid-ranged in terms of level of immigrants, as opposed to neighborhoods with a high degree of Latina/o immigrants, increases the odds of being asked about citizenship status by law enforcement by 56%. Therefore, neighborhood-level predictors of immigration do extend our understanding of who is asked about citizenship status. The effect of generational status exerts a positive and significant effect on the odds of law enforcement asking about citizenship status, even after introducing individual- and neighborhood-level variables.

## Discussion and Conclusion

Based on primary research on 563 individuals residing in 46 neighborhoods, this study used HGLM methods to investigate the likelihood of Latina/os being questioned about citizenship status by law enforcement. In particular, we test whether first- and second-generation Latina/os, in contrast to those who are third- and later-generations, are more likely to be questioned about their citizenship status by law enforcement. This research question is important to consider given that law enforcement officers are increasingly required to make distinctions between citizens and non-citizens (Coutin 2011). Furthermore, we also examine neighborhood effects on who is asked about citizenship status, thus investigating the structural impact on law enforcement questioning about citizenship status. In particular, we predicted that those who reside in poverty neighborhoods and in neighborhoods high in Latina/o immigrant concentration are more likely to be asked by law enforcement about their citizenship status. The answer to these questions begin to address patterns in “citizenship profiling” or who law enforcement stops and questions on suspicion of being undocumented.

So, who does law enforcement question about their citizenship status? Building upon qualitative research, our study found statistical evidence that first- and second-generation individuals are more likely to be questioned by law enforcement about their citizenship status than Latina/os of third-generation and later, regardless of sex and age, and the neighborhood characteristics of poverty and immigration concentration. Therefore, immigrants and their children are more likely to be profiled for citizenship. Particularly telling are second-generation Latina/os who are disproportionately questioned about citizenship by law enforcement despite being US citizens.

The implications of our finding for the first- and second-generations are vast. First, both first- and second-generation Latina/os are subjected to constricted freedom and more prone to criminalization in contrast to third- and later-generations, since they are subjected to heightened levels of

surveillance. Second, in regard to policing, questions arise about the implications of citizenship profiling for community policing that involves the protection and collaboration of all residents, including immigrants. Third, being that first generation are disproportionately questioned about their citizenship status and that among them are undocumented migrants it is important to evaluate policing procedures on what type of identification is accepted and considered given the consequences of arrest that can lead to deportation. This is especially a concern given that most undocumented immigrants are deported for minor offenses including traffic violations (see Golash-Boza 2012).

The effects of neighborhood-level factors of poverty and level of Latina/o immigration on being questioned about citizenship status were also assessed. Residential poverty does not significantly impact whether individuals are questioned by law enforcement about their citizenship status. To assess the structural impact of residing in immigration neighborhoods we used an array of indicators based on our survey and American Community Survey data on transnationalism (survey), acculturation to México (survey), percent foreign-born, percent foreign-born not naturalized (ACS), percent Spanish only at home (ACS), and percent Mexican-origin (ACS) (Table 3 in Appendix). We found that those who reside in neighborhoods with mid-levels of Latina/o immigration are more likely to be questioned by law enforcement about their citizenship status than those living in neighborhoods with high concentrations of Latina/o immigrants. This advances our understanding of policing and residing in Latina/o immigrant neighborhoods. We found that the impact of residing in immigrant neighborhoods is not linear when it comes to policing. Residents in neighborhoods with high concentrations of Latina/o immigrants are less likely to be questioned about citizenship status than those who reside in neighborhoods that exhibited less Latina/o immigrant features (mid-level of Latina/o immigrant neighborhoods). We have a few insights on this interesting outcome. Findings from the literature suggest that the foreign-born tend to live in ethnic and immigrant enclaves (e.g., Portes and Bach 1985; Portes and Stepick 1985) and that Latina/o immigrants' fear of police may contribute to their isolation (Theodore and Habans 2016). Latina/o immigrants also may restrict their driving to avoid interactions with law enforcement (see Armenta 2016a; Provine et al. 2016). Additionally, immigrant isolation is connected to fear of restrictive immigration policing including deportation (Menjívar and Bejarano 2004; McDowell and Wonders 2009), which may restrict their mobility outside of their communities and thus also limit interaction with the police. Building upon this knowledge, we suspect that those who live in neighborhoods with mid-levels of Latina/o immigrants may be more integrated into the city and more mobile than those

who live in high Latina/o immigrant whose mobility may be more restricted to these segregated neighborhoods. As such, there may be fewer opportunities for interactions with law enforcement. Another possibility is that there is less policing in Latina/o immigrant concentrated neighborhoods given the *Latinalo Crime Paradox* where foreign-born are less likely to commit crimes than native-born (Burchfield and Silver 2013; Hagan and Palloni 1999; Kubrin and Ishizawa 2012; Martínez 2015; Martínez and Stowell 2012; Martínez and Valenzuela 2006; Sampson 2008; Sampson and Bean 2006; Stowell et al. 2009) and that immigration revitalizes neighborhoods which decreases crime (Martínez 2015; Martínez and Valenzuela 2006). Unfortunately, data limitations on where law enforcement questioned individuals did not allow for us to further explore these possibilities but we see these follow-up questions as important for future research. Additionally, there was no difference between how residents in low and high immigrant neighborhoods were questioned by law enforcement about citizenship status. While we outlined above our rationale for why residents in high immigrant neighborhoods are less likely to be questioned about citizenship, we suspect that residents of neighborhoods low in immigrant characteristics are less likely to be asked about citizenship status because they have fewer immigrants, less transnational activity with Mexico, and less acculturation to Mexico.

Limitations of this study suggest avenues for future research. First, we did not information on where and the types of activities that individuals were involved in when they were questioned by law enforcement. Having this information could strengthen our analysis of neighborhood effects. We do not know if individuals were questioned in their neighborhoods or elsewhere, what we do know is that where you live matters and there is neighborhood variation in who gets targeted for questioning about their citizenship status. Another limitation is not having accurate information on undocumented status. While we did try to capture undocumented status in our survey, we could not use this variable because of missing data. Additionally, we do not know the law enforcement agency that questioned individuals about their citizenship status. However, in El Paso it is highly likely that the questioning is done by local (police department or sheriff) being that border patrol concentrate on enforcing the international boundary. The specificity of the sample discourages generalization to other cities. Yet, given the growth of the Latina/o population in cities across the US (Saenz and Morales 2015) and the extension in the policing of migration from the border to the interior (Leerkes et al. 2013) we encourage future research in other locations to examine variations and law enforcement disparities in the degree that Latina/os are questioned about citizenship status. Another limitation is the lack of data on Latina/os and skin

color which is associated increase in the odds of police stops and arrest. Lastly, a direct measure of language use may also have impacted results.

In sum, our primary data was designed to conduct a multilevel analysis on who law enforcement questions about citizenship along the US México border that allowed for an investigation of individual and neighborhood effects. To date, we have gained important insights on the implications of policing immigration at the individual-level from qualitative and policy analyses that revealed an array of negative consequences including racial profiling and criminalization of Latina/os (Heyman 2010; Longazel 2013; Provine et al. 2016; Provine and Sanchez 2011; Sáenz et al. 2011), removal and deportation (Armenta 2016a; Golash-Boza 2012; Motomura 2011; Provine et al. 2016) and compromising community policing or cooperation with police (Nygund and Gill 2016; Theodore and Habans 2016). At the neighborhood-level there has been less attention given to the policing of immigration. An important exception is Mary Romero's (2006) qualitative analysis of the Chandler Round-ups in Arizona which found residents of Latina/o neighborhoods being disproportionately targeted. We contribute to

this scholarship by using HGLM methods to establish that first- and second-generation Latina/os and those who reside in neighborhoods characterized by mid-level of Latina/o immigration are disproportionately questioned about their citizenship status by law enforcement.

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## Appendix

See Table 3.

**Table 3** Operationalization of immigrant enclave neighborhoods, El Paso neighborhood survey (EPNS) and American community survey (ACS)

Variable and question(s)	Operationalization
Transnationalism (EPNS)	
Because of a co-residence in Juarez	Next we want to ask about questions about visits to Juarez, Mexico, that you or any current member of your household might have done in the last 12 months. So, how often have you or any current member of your household gone to or visited Juarez because of the following reasons in the last 12 months?
For work or to make money	
To visit your children or other relatives	
For entertainment, fun or recreation	Write in number of times, such as 0 times, 15 times, 38 times, etc. 999 = not applicable because hasn't been to Juarez in past 12 months
For medical care (such as to visit a doctor, dentist, or pharmacy)	
To buy things or go shopping	
To participate in civil activities or community events	
Because I own a business in Mexico	
For some other reason	
Acculturation to México (EPNS)	ARSMA-II (revised)
I speak Spanish	Cuellar, Arnold and Maldonado (1995)
I enjoy speaking Spanish	1 = not at all, 2 = very little or not very often, 3 = moderately, 4 = much or very often, 5 = extremely often or almost always
I associate with Méxicans and/or Mexican Americans	
I enjoy listening to Spanish language music	
I enjoy Spanish language TV	
I enjoy Spanish language movies	
I enjoy reading in Spanish (e.g., books, magazines, and newspapers)	
I write in Spanish (e.g., letters, notes, emails, text messages)	
My thinking is done in the Spanish language	
My contact with people in México has been...	
My father identifies or identified himself as "Méxicano"	
My mother identifies or identified himself as "Méxicana"	
My friends, while I was growing up, were of Mexican-origin	
My family cooks Mexican foods	
My friends now are of Mexican-origin	
I like to identify myself as a Mexican American	
I like to identify myself as a Mexican	
Percent foreign-born ACS	Where was this person born? Outside of the US (specify) Census tract/neighborhood cluster mean
Percent foreign-born not naturalized ACS	Is this person a citizen of the United States? Yes, US citizen by naturalization. Census tract/neighborhood cluster mean
Percent Spanish-speaking only homes ACS	Does this person speak a language other than English at home? Yes What is this language? Spanish How well does this person speak English? Not at all Census tract/neighborhood cluster mean
Percent Mexican-origin ACS	What is this person's ancestry or ethnic origin? Mexican Census tract/neighborhood cluster mean

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