

**The Policy Dimensions of the Context of Reception
for Immigrants and Latinos in the Midwest**

by Rubén Martínez, Jennifer Tello Buntin,
and William Escalante

Research Report No. 47
August 2011

Julian Samora Research Institute
MICHIGAN STATE UNIVERSITY
301 Nisbet Building
1407 S. Harrison Road
East Lansing, MI 48823-5286

Phone: (517) 432-1317
Fax: (517) 432-2221
E-mail: jsamorai@msu.edu
Web: www.jsri.msu.edu

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Abstract

The focus of this paper is legislation in Midwestern states passed between January 2009 and June 2010 in relation to immigrants. Recent enacted legislation is a reflection of concrete efforts to influence how immigrants should be or are being received into communities; whether they should be excluded, ignored or integrated. The research question addressed is: What state-wide legislative policies are shaping the contexts of reception for Latino immigrants across the Midwestern states? A context of reception can be integrating, passively accepting, or exclusionary. We used content analysis of enacted immigration legislation in the Midwest and organized them into three categories: integrating, exclusionary or neutral, each with points of significant and moderate values, and neutral tending toward one or the other categories. Results show that of the policies that were enacted in 2009 and the first half of 2010, forty four laws were found to be integrating, thirty nine laws were exclusionary, and twelve laws were neutral. Illinois is the most inclusive state in the Midwest, and has the largest Latino population in the region. North Dakota and Michigan are moderately integrating, Kansas and Ohio are inclusive-neutral, South Dakota and Wisconsin are basically neutral, Minnesota and Indiana are exclusionary neutral, Missouri is moderately exclusionary, and Iowa and Nebraska are the most exclusionary. The data suggest that Midwestern states are situated across the full spectrum between inclusive and exclusive positions, and that the policy environment is very dynamic, especially given the results of the 2010 election. When it comes to the context of reception, the Midwest has been “on the fence,” but is tending toward stronger exclusionary state policy stances.

About the Authors

Dr. Rubén Martínez is Director of the JSRI at MSU. He is a nationally known scholar with expertise in the areas of minorities and higher education, race and ethnic relations, and diversity leadership. His areas of specialization include leadership and institutional change, education and ethnic minorities, youth development, and environmental justice.

Dr. Jennifer Tello Buntin is a Visiting Assistant Professor at JSRI at MSU. Her research interests include immigration and globalization, transnational connections of immigrants, and the transnationalizing impacts of immigration on institutions and communities.

William Escalante is a doctoral student in Sociology at MSU. His interests include migration, culture, race/ethnicity, identity, collective consciousness, and Chicano/Latino communities in the United States. His current project is on cultural practices of immigrants of Mexican Ancestry in the United States.

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Michigan State University
East Lansing, Michigan



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The Policy Dimensions of the Context of Reception for Immigrants and Latinos in the Midwest

Introduction

The Latino population is the second largest ethnic group in the United States, exceeded only by White Americans (Casas & Ryan 2010). The 2000 Census set the Latino (Hispanic) population at 32.8 million, or approximately twelve percent of the total U.S. population (U.S. Census Bureau 2001). Census 2010 figures set the size of the Latino population at approximately 50.5 million (U.S. Census Bureau 2011). Overall, Latinos comprise approximately 16% of the nation's population (Grieco 2010). Approximately 37.4% of Latinos are foreign-born, comprising approximately 6.0% of the nation's population (Grieco & Trevelyan, 2010). Nationally, the number of Latinos living in the United States grew by 43.4% since the year 2000. A robust component of that growth was immigration.

Immigration to the United States is not a new phenomenon; however, recent waves differ from earlier immigrant influxes in significant ways. Immigrants are now coming predominantly from Latin American and Asian countries (Portes & Rumbaut 1996; Singer 2002); and, they are no longer moving to and staying in the traditional gateway cities or states (Cadge et al. 2008). This has led to the coining of the term "new destinations"; that is, the new settlement areas for immigrants. For example, the geographical distribution of Latino immigrants now include towns and cities of less than 100,000 people located in rural areas in the Northwest, Northeast, Southeast and Midwest regions of the country (Singer 2002; Cadge et al. 2008). Typically, these new destination points do not have strong traditions of receiving Latino immigrants and, thus, it is a relatively new phenomenon for them (Cadge et al. 2008).

The focus of this paper is recent legislation in Midwestern states initiated in response to immigration. More specifically it looks at the emergent legislative environment and how it shapes the context of reception for Latinos and Latino immigrants. The context of reception provides a useful conceptual frame for describing the broader environments in which immigrants and other newcomers to Midwestern town and cities endeavor to make a living. Context of reception consists of three principal dimensions: 1) government policies, 2) labor markets, and 3) ethnic communities (Portes

& Rumbaut 1996). According to Portes and Rumbaut (1996), government policies are the most relevant of the three because they shape the reality in which the other dimensions operate; via exclusion, passive acceptance, or active encouragement.

Context of Reception

Recent research expands the concept of context of reception to include various social, cultural, economic, political, geographic and historical factors that create the climate in which the new immigrants are received (Cadge et al. 2008). In "The City as Context," Cadge et al. (2008) use five "analytic axes" to examine differences in the reception and incorporation of recently arrived immigrants: 1) cultural frames, 2) geographic factors, 3) political economy, 4) demographic shifts and 5) municipal resources. Additionally, Valdivia et al. (2008) explore the impact that ethnic communities and informal social networks have on the newly arrived person's perception of the context of reception or "community climate." They contend that the context of reception not only includes community attitudes and actions, but also the individual's perception of the situation into which she or he has arrived.

While this paper briefly explores the historical, economic, and social dimensions that constitute the contexts of reception of the communities in the Midwest, the main focus is on the state level political and legislative dimensions, which are part of the policy dimension of contexts of reception. Recent enacted legislation is a reflection of concrete efforts to influence how immigrants should be or are being received into communities; and whether they should be excluded, ignored or integrated. The research question that is addressed is: What state-wide legislation is shaping the contexts of reception for Latino immigrants across the Midwestern states?

Midwest Demographic Context

For our purposes, the Midwest, also referred to as the North Central region of the United States, includes the following twelve states: Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota and Wisconsin. According to the U.S. Census Bureau (2011), the overall population of

the Midwest was 66,927,001 in 2010, comprising 21.7% of the nation's population (308,745,538). While the nation's population increased by 9.7%, the region's overall population increased by only 3.9%.

Over the past two decades, the region experienced relatively significant growth in its Latino as well as its foreign-born populations (Lazos Vargas 2002; Martinez 2011). For example, each of the Midwestern states showed an increase among Latinos of at least 50% from 1990 to 2000, with an 80% increase for the region as a whole (Haverluk & Trautman 2008).

Since 2000, the Latino population continued to increase significantly. Table 1 presents the Latino population by state for 2000 and 2010. The Latino population in the Midwest region increased by 49.2% during that period. With a 33.5% increase, Illinois had the lowest rate of growth among Latinos, while South Dakota, with a 102.9% increase, experienced the highest rate of growth. The Midwest experienced a larger percentage increase among Latinos than did the nation as a whole, although it was still behind other regions, such as the South, where South Carolina and Alabama led the nation in Latino population-growth (Haverluk & Trautmann 2008).

Table 1. Change in Latino Population by State, 2000 to 2010

State	2000 Latino Population	2010 Latino Population	% Change
Illinois	1,530,262	2,027,578	33.5%
Indiana	214,536	389,707	81.7
Iowa	82,473	151,544	83.7
Kansas	188,252	300,042	59.4
Michigan	323,877	436,358	34.7
Minnesota	143,382	250,258	74.5
Missouri	118,592	212,470	79.1
Nebraska	94,425	167,405	77.3
North Dakota	7,786	13,467	73.0
Ohio	217,123	354,674	63.4
South Dakota	10,903	22,119	102.9
Wisconsin	192,921	336,056	74.2
Midwest Total	3,124,532	4,661,678	49.2%
USA Total	35,305,818	50,477,594	43.0%

Source: Table 2. Census 2000 Summary File 1 and 2010 Census Summary File 1. U.S. Census Bureau. (2011).

In terms of subgroups, approximately two-thirds of the Latino population in the Midwest is Mexican American or Mexican. This figure is similar to that at the national level, where 60% of Latinos are of Mexican ancestry. Mexicans and Mexican Americans have been coming to the Midwest to work in agriculture and manufacturing since the early 1900s (Valdes 1989). Overall, Latinos comprise just over one-half (53%) of the 38.5 million persons that make up the foreign-born populations at the national level (Greico & Trevelyan 2010). Additionally, approximately 45.4% of the foreign-born are White persons (Grieco 2010).

Table 2 presents changes in the foreign-born populations in Midwestern states between 2000 and 2008. Overall, there was a 13.9% increase in the number of foreign-born persons in the Midwest. Wisconsin (59.3%), Nebraska (45.8%), Minnesota (38.8%) and Missouri (38.8%) experienced the greatest percentage of growth in their foreign-born populations. Michigan had the smallest increase, while both North Dakota and South Dakota experienced declines in their foreign-born populations.

Table 2. Change in Foreign-born Population by State in Midwest from 2000 - 2008

State	2000 Foreign Born	2008 Foreign Born	% Change
Illinois	1,533,949	1,787,358	16.5%
Indiana	190,585	256,006	34.3
Iowa	90,089	112,693	25.1
Kansas	136,640	172,277	26.1
Michigan	521,150	580,382	11.4
Minnesota	256,705	356,335	38.8
Missouri	152,931	212,331	38.8
Nebraska	72,910	106,332	45.8
North Dakota	14,538	14,319	-1.5
Ohio	344,889	432,956	25.5
South Dakota	16,590	15,488	-6.6
Wisconsin	159,343	253,793	59.3
Midwest Total	3,178,045	3,618,911	13.9%

Source: Table 12. Change in Foreign-born Population by State, 2000 and 2008, Pew Hispanic Center (2010).

While the majority of Midwestern states experienced an increase in their foreign-born population, the region's overall percentage of the population of foreign born remained relatively low; less than eight percent (See Table 3). Illinois, the state with the largest percentage of foreign-born residents, could attribute its almost 14% increase to the Chicago metro area, which has been and remains a traditional destination for new immigrant families (Cadge et al. 2008; Singer 2002). The remaining states in the Midwest had foreign-born populations of less than seven percent in 2008. Minnesota (6.8%), Kansas (6.1%) and Nebraska (6.0%) had the next largest percentages. South Dakota had the lowest percentage (1.9%).

Table 3. Percent of 2008 Population that is Foreign Born by Midwestern State

State	2008 Total Population	2008 Foreign-Born	% Foreign-Born
Illinois	12,901,564	1,787,358	13.9%
Indiana	6,376,792	256,006	4.0
Iowa	3,002,557	112,693	3.8
Kansas	2,802,134	172,277	6.1
Michigan	10,003,422	580,382	5.8
Minnesota	5,220,393	356,335	6.8
Missouri	5,911,605	212,331	3.6
Nebraska	1,783,432	106,332	6.0
North Dakota	641,481	14,319	2.2
Ohio	11,485,910	432,956	3.8
South Dakota	804,194	15,488	1.9
Wisconsin	5,627,968	253,793	4.5
Midwest Total	65,772,746	5,088,976	7.7%

Source: Table 11. Foreign-born by State, 2008. Pew Hispanic Center (2010).

Despite public concern about the estimated numbers of undocumented immigrants from countries south of the U.S. border, it is important to note that in some states the largest number of foreign-born members of the population is from Asia. In Michigan, Minnesota, Missouri, North Dakota, Ohio and South Dakota, for example, the largest immigrant groups are from Asia. On the other hand, Latinos comprise the largest foreign-born population group in Illinois, Indiana, Iowa, Kansas, Nebraska, and Wisconsin.

There is a difference between the large percentage increases in the Latino population and the increases in the foreign-born population. Although the rates of growth among the foreign-born populations seem relatively high, the actual increase in the number of foreign-born persons for the region is relatively low (440,866) for the period. Indeed, the growth among the foreign-born population is just over one-third of the actual growth among Latinos for the same period. For example, in both South Dakota and North Dakota the Latino population increased, while the foreign-born populations in these states decreased. Other states had significant increases in their Latino population while experiencing lower growth rates in their foreign-born populations. Table 4 presents the percent change in the nation's Latino population by nativity status for the period between 2000 and 2008. The native-born Latino population increased by 37.6%, while its foreign-born counterpart increased by 26.2%. Both groups had higher growth rates than the nation as a whole. In terms of the share of the growth, natives were responsible for 68.1%. In the Midwest, the same is likely to be the case. Thus, an important component of the Latino population increase in the Midwest has come about through domestic migration, albeit including native-born children of foreign-born residents, resulting in a substantial mix of both native and foreign-born Latinos in the Midwest.

Much of the recent immigration to the "new destination" areas rather than to the traditional gateway cities, like Chicago, New York, Los Angeles, etc., is attributed to the restructuring of the meat packing and food processing industries. In the 1970s and 1980s, to increase profits and combat labor unions, meatpacking companies merged and relocated to rural areas in the Midwest and Southern regions of the United States (Haverluk & Trautman 2008). To keep labor costs low,

Table 4. Percent Change in Latino/a Population by Nativity Status, 2000 – 2008

Status	2000 Population	2008 Population	Population Change	% Change	% Share of Total Change
Native Born	21,072,230	28,985,169	7,912,939	37.6	68.1%
Foreign Born	14,132,250	17,837,307	3,705,057	26.2	31.9
Total	35,204,480	46,822,476	11,617,996	33.0%	100.0%

Source: Table 5: Change in the Hispanic Population, by Nativity: 2000 and 2008. Pew Hispanic Center, Statistical Portrait of Hispanics in the United States (2010).

the major meat processors in the U.S., such as Iowa Beef Processing, ConAgra, Excell, Cargill and Smithfield, who control over 70% of the industry, recruited and continue to recruit low-wage immigrant labor from the U.S. Southwest and Mexico (Lazos Vargas 2002). This recruitment activity added to the already present migrant farm worker population, as did the growth in low-skill jobs in manufacturing, construction, landscape and service sectors (Levinson et al. 2007, Paral 2009). Historically, Latinos have been working and living in the Midwest region of the United States for a long time as farm workers, construction workers and in manufacturing (Valdes 1989; Martinez, 2011). The immigration of Latinos to the Midwest is not a new phenomenon; however, changes in the number of people immigrating and in their destinations are attracting much attention.

State Policies

State and local immigration policies have received extensive media coverage in recent months and years. Fremont, Nebraska recently made headlines with a

special election supporting a municipal ordinance banning the rental of property or the hiring of people without documented immigration status (Beck 2010a). The American Civil Liberties Union and the Mexican American Legal Defense and Education Fund filed lawsuits challenging the ordinance as discriminatory and seeking restraining orders to halt implementation (Beck 2010b). In response, the Fremont City Council voted to suspend the ban as it waits for the court's decision on the case. While many Midwest communities have limited experience with Spanish-speaking immigrants, passage of ordinances like the one in Fremont shows that Latino immigration is an area of concern in Midwestern communities. That concern is reflected in legislative efforts at the state level.

Number of Policies Enacted

Enacting state policy does not take place in a vacuum. All states in the Midwest enacted laws regarding immigration in recent years. Table 5 presents the numbers of immigration-related laws enacted in Midwestern states along with changes in their

Table 5. Number of Immigrant-Related Laws Enacted with Percent Changes in Latino/a and Foreign-Born Population, Percent of Total Population that is Foreign-Born by State, 2000-2008

State	Number of Laws Enacted Relating to Immigration	% change in Latino/a Population	% change in Foreign-Born Population	% of total 2008 population that is Foreign-Born
Illinois	29	28.5	16.5	13.9%
Indiana	6	60.1	34.3	4.0
Iowa	6	71.9	25.1	3.8
Kansas	7	54.8	26.1	6.1
Michigan	5	27.9	11.4	5.8
Minnesota	9	86.4	38.8	6.8
Missouri	9	54.0	38.8	3.6
Nebraska	10	85.5	45.8	6.0
North Dakota	5	83.5	-1.5	2.2
Ohio	2	35.6	25.5	3.8
South Dakota	4	109.5	-6.6	1.9
Wisconsin	3	49.9	59.3	4.5
Midwest Total	96	40.0%	13.9%	7.7%

Sources: *Enacted State Legislation Relating to Immigration 2009 and First Half 2010, National Conference of State Legislatures; Statistical Profiles of Hispanics and Foreign-Born Populations in the United States, The Pew Hispanic Center.*

Latino and foreign-born populations between 2000 and 2008. With the exception of North and South Dakota, all Midwestern states experienced increases in their Latino and foreign-born populations. The fact that the Midwest has foreign-born populations that comprise only 7.7% of the region's total population points to the importance of political beliefs and ideology in the prioritizing of critical public issues for policy and legislative attention.

With the exception of Illinois, no state in the Midwest in 2008 had a foreign-born population that was greater than seven percent of the state's total population. Illinois (29) and Nebraska (10) enacted the most

immigration-related laws. The other states that enacted the most laws relating to immigration were Missouri (9), Minnesota (9), and Kansas (7). Minnesota and Kansas follow Illinois in terms of the percentage of foreign-born in their populations, while Missouri is among those with the lowest percentage of foreign-born population. Nebraska has a lower percentage of foreign-born than does Minnesota and Missouri.

Types of Legislation Enacted

This paper examines bills enacted (or reached governor veto) in the twelve Midwestern states between

Table 6. Enacted Immigration-Related State Laws by Focus, 2009 and January – June 2010

State	Law Enforcement	Human Trafficking	Employment, Licensing & Identification	Education, Public Benefits & Health Services	Omnibus Laws	Other	Total
Iowa	S340		S356, H2522, S2181,			S469, H822,	6
Illinois	S3090, H5006	S1300	S3494, H4858, H537, H624, S1133, S1743, H2331,	H859, S3699, S5053, S663, S3158, H314, H2206, S1181, S1216, S1197, S1557, H382, H1143, H399		S2976, S3288, S3660, S3662, H5428	9
Indiana			H1130, S391, S222, S407,	H1001, H1182			6
Kansas	H2506	S353	S237, H2343, H2668	S572		H2476	7
Michigan	S1001			S248, S1163		S237, H5658,	5
Minnesota			S2082, S2081, H988, S525	H1362, H1988, S1503, S460, S2505, S1770			10
Missouri			H361, S296, H2226	H10, H2010, H2011, H2002	H390	H124	9
Nebraska			L563, L579, L950, L1020, L788, L805	L849	L403	L139, L725	10
North Dakota		S2209	H1161, H1438	H1400, H1090			5
Ohio				H1, S181			2
South Dakota	H1260	S17	H1107, H1079				4
Wisconsin			A757	A75		A573	3
Total	6	4	35	35	2	14	96

Source: National Conference of State Legislatures, *Enacted State Laws Relating to Immigration in 2009 and First Half of 2010*. (2010).

Table 7. Categories of Enacted State Laws relating to Immigration, 2009 and January – June of 2010

State	Integrating	Exclusionary	Neutral	Total
Iowa	H822	H2522, S2181, S469, S356	S340	6
Illinois	H859, H5053, S663, H4858, S3699, S3158, H314, H2206, S1181, S1216, S1197, S1557, S1133, H399, S1300	S3494, H382, H1143, H624, S1743, H2331, S3090	S2976, S3288, S3660, S3662, H5006, H5428, H537, H2331	29
Indiana	H1001, H1182, S407	H1001, S391, S222, H1130		6
Kansas	S572, S353, H2343	H2668, H2476	H2506, S237	7
Michigan	H5658, S1163, S237, S248	S248	S1001	5
Minnesota	S1770, S2082 H1362, H988	S460, S2505, H1362, S1503, S525		8
Missouri	H2002, H2010, H2011, H10, H361	H390, H361, S296, H124, H2002	H2226, H361	11
Nebraska	L139	L563, L950, L1020, L849, L788, L403	L725, L805, L579	10
North Dakota	H1400, S2209, H1438	H1161, H1090		5
Ohio	S181, H1			2
South Dakota		H1107, S17	H1260, H1079	4
Wisconsin	A75	A75	A573, A757	3
Totals	42	39	21	96

Source: National Conference of State Legislatures, *Enacted State Laws Relating to Immigration in 2009 and First Half of 2010*. (2010).

January 2009 and June 2010. During this time period, 96 laws relating to immigration were passed (National Conference of State Legislatures, 2010a; 2010b). At the state level these laws range from multi-issue legislation to specific concerns. Illinois was the state that passed the most laws with 29 and Ohio passed the fewest with two. The majority of the laws passed dealt with employment, licensing, identification, education, public benefits and health services. Of the laws that were passed during 2009 and the first half of 2010 in the Midwest, seventy of them addressed some aspect of employment, licensing, identification, education, public benefits or health services. The laws and policies can be organized into six categories (see Table 6): 1) Law Enforcement, 2) Human Trafficking, 3) Employment, Licensing and State Identification; 4) Education, Public Benefits and Health Services; 5) Omnibus Legislation, and 6) Other (National Conference of State Legislatures 2010a).

Enacted State Policy: Integrating, Passively Accepting, or Exclusionary

All state legislatures in the Midwest have passed laws addressing immigration in their states. According to Portes and Rumbaut (1996, 2001) a context of reception can be encouraging, passively accepting, or exclusionary. In Table 7, based on content analysis, the enacted legislation in the Midwest relating to immigration has been organized according to three similar categories; Integrating, exclusionary or neutral. A policy was considered integrating if it focused on programs, initiatives or funds for projects that worked to help immigrants acclimate to the United States or protect immigrants' human rights regardless of immigration status. Integrating state policies addressed issues like English language acquisition, health services, higher education accessibility, and employment procedures. Policy was considered to be exclusionary if

it focused on the restriction of people from certain services, benefits, education or employment opportunities based on immigration status. Policies that were considered neutral dealt with changes to fiscal year limitation, or clarification of federal law enforcement agencies via policy.

A challenge with these data is measuring the potential of one policy having a greater impact than another. State policies do not always have similar effects or depth of impact. Thus, while there is almost an even division of integrating and exclusionary laws, the number of enacted laws may not definitively determine the context of reception of a particular state or of the region as a whole. In the following analysis, we attempt to incorporate the varying impacts whenever possible, as well as note when the legislation seems disproportionate to the demographic impact of immigration on the state.

In addition, it is important to keep in mind that this analysis reviews laws enacted during a limited time period (January 2009 to June 2010). Laws passed before or after that time frame may be similar to those passed during the time frame or they may not. Thus, we can only address the context within this time period.

Analysis of the state legislation in combination with the demographic context in each state suggests that states' contexts of reception vary on a continuum between strongly inclusive to strongly exclusionary. As Table 7 shows, Illinois is the most inclusive Midwestern state based on the data presented here.

However, North Dakota and Michigan are moderately inclusive. Kansas and Ohio are fairly neutral, but slightly inclusive. South Dakota and Wisconsin are the most neutral of the 12 states. Minnesota and Indiana are also fairly neutral during this period, but slightly exclusionary. Missouri is moderately exclusionary. Nebraska and Iowa rank as the most exclusionary states in the Midwest. The following sections provide more detail on these categorizations.

Significantly Inclusive

While no state was fully inclusive (i.e. no exclusionary bills during the time period), Illinois is by far the most inclusive state in the Midwest. With 29 bills

and the largest percentage of foreign-born residents in 2008 (13.9%), Illinois is clearly responding in a primarily inclusive manner toward immigrants. Of the 29 bills analyzed, 15 were inclusive, 7 were exclusionary and 8 were either neutral or undetermined. Much of the legislation involved funds appropriation for immigrant supportive programs and grants to immigrant organizations. Some notable inclusive bills include H4858 which allows any person who is a resident of the state to obtain a state ID card and allows all driver license testing to be conducted in Spanish or any other language requested and allows the use of interpreters. S1133 requires employers using verification programs to fulfill training that explains, among other things, that these systems may be inaccurate and show an eligible worker as ineligible. S1300 provides human trafficking victim protection. S3158 includes an immigrant advocate representative on the Commission to End Hunger as well as a liaison from the Latino Family Commission as an ex-officio member. S1557 alters the state mandated educational curriculum to reinforce the study of the role and contribution of Hispanics, including the forced deportation of Mexican-American U.S. citizens during the Great Depression.

However, even in Illinois, not all immigrant-related bills during this time period were inclusive. S3494 and S1743 exclude migrant workers from the Unemployment Insurance Act. H382 and H1143 require citizenship or lawful permanent residence for access to nursing and mental health scholarships. And S3090 states that aliens convicted of crimes may be remanded to the U.S. Attorney General for deportation if there is a deportation order and it is consistent with justice.

Thus, while not fully inclusive, Illinois is by far the most inclusive state in the Midwest. However, while its 2008 percent of foreign born was the largest of the 12 states, the percent change in foreign born population between 2000 and 2008 ranked 9th (+16.5%). These data suggest that Illinois is likely responding to both a larger and an older and more settled immigrant population with greater political power within the state and particularly within the Chicago metropolitan area.

Moderately Inclusive

The bills analyzed here suggest that North Dakota is a moderately inclusive state. According to the demographic data, North Dakota was not greatly impacted by immigration during this time period, but yet still developed three inclusive bills, including a human trafficking law. North Dakota's foreign-born population in 2008 was only 2.2%, ranking 11th out of the 12 Midwestern states. In addition, it experienced a 1.5% decrease of its foreign-born population between 2000 and 2008.

Despite being only minimally impacted demographically, North Dakota passed three inclusive bills in 2009 and 2010: an education improvement bill that provided support to schools serving English language learners and requiring a count of students enrolled in these programs as well as those enrolled in migrant summer programs. North Dakota also put forth a law defining human trafficking, making it a class AA felony if the victim is less than 18 years old and requiring restitution to the victims. Finally, H1438 allows the Department of Transportation to issue a non-resident commercial driver's license to an applicant who does not present a social security card, but meets the requirements for a commercial driver's license. The license is valid during the applicants authorized stay in the U.S.

North Dakota also introduced two exclusionary bills, both focused on requiring proof of legal status. H1161 requires evidence of identity, date of birth and legal presence in the country for driver's license and ID card applicants. H1090 requires applicants seeking child care assistance to provide information on their citizenship or resident alien status.

North Dakota is categorized as moderately inclusive because three out of five of the bills introduced are inclusive, including one related to human trafficking, which only six of the twelve Midwestern states have on the books (www.humantrafficking.neu.edu).

Michigan is also categorized as moderately inclusive. It ranked fifth among Midwestern states in 2008 percent foreign-born, but only 10th in percent change in foreign-born population between 2000 and 2008 (+11.4%). Michigan passed five relevant bills during the examined

time frame, three were inclusive, one was neutral, and one had both inclusive and exclusive elements.

Michigan's H5658 bill created a Migratory Labor Housing Fund and S1163 appropriated \$8,807,200 to identify and serve migrant children. S237 provided \$110,000 for migrant housing inspection fees; \$425,100 for the Migrant Labor Housing Fund; mandated that the Department of Public Health should apply for all federal funds available to support the migrant housing program; and that the Department of Public Health should work with industry to develop a fee for migrant worker housing inspections, no more than \$5 per worker.

S248 addresses various Department of Human Services issues, including the operation of a state disability assistance program for needy citizens and aliens who are exempt from the SSI citizenship requirement. However, it also stipulates that no public assistance may be given to illegal aliens except as required by federal law.

Thus, Michigan's policies are primarily inclusive, with a strong emphasis on meeting the needs of migrant laborers and their families.

Inclusive-neutral

Two states are categorized as inclusive-neutral: Kansas and Ohio. These states are primarily neutral, but show slightly stronger signs of inclusiveness than exclusiveness.

Kansas, for example, had the third highest percentage of foreign-born residents in 2008 (6.1%) and introduced 7 bills, 3 inclusive, 2 exclusive and two neutral. Like North Dakota, Kansas also introduced a human trafficking law and set aside funds for the education of migrant students. Money was also earmarked for the Hispanic & Latino Affairs Commission and a migrant health program. In addition, H2343 recognized foreign nursing schools as acceptable for licensing and allowed temporary permits to RN applicants who graduate from a nursing school in a foreign country while their education and licensing in that country is verified. However, Kansas also introduced a bill making it a Class C misdemeanor to knowingly employ an illegal alien and made provisions to allow police officers to collect a \$75 bond from individuals who are out

of state or out of country drivers and cannot provide proof of financial security. In addition, two bills S237 and H2506 were categorized as neutral, neither inclusive nor exclusive. Thus, Kansas does not appear to be significantly inclusive or exclusionary, but the inclusive elements of these bills slightly outweigh the exclusive.

On the other hand, Ohio introduced only two relevant bills during this time period and both were inclusive in nature. Ohio ranked 9th among Midwestern states regarding the percent of its residents that were foreign-born in 2008 (3.8%) and 7th in percent change in the foreign-born population between 2000 and 2008 (+25.5%). It proposed the fewest number of bills of any of the 12 Midwestern states, suggesting the immigrant and immigration-related issues were not a great concern within the state. However, the two laws introduced were relatively inclusive: S181 requires “migrant” to be one of the categories that data on student performance is disaggregated. H1 is an omnibus bill that included several sections relevant to immigrants in the state: it created the Commission on Hispanic-Latino Affairs consisting of 11 voting members appointed by the governor and appropriated \$355,332 to that commission; in addition to the disaggregation of student performance data by migrant status, it also distributed funds to school districts operating classes for children of migrant workers; and it states that the Department of Health and Human Services should consider the special needs of migrant workers when administering and coordinating publicly funded childcare and that the Department should encourage suitable childcare designed to accommodate the needs of migrant workers.

Thus, while Ohio introduced relatively few bills, these bills were fairly inclusive, placing this state in the inclusive-neutral category.

Neutral

Of the 12 Midwestern states analyzed here, South Dakota and Wisconsin demonstrate the most neutral positions during this period with regard to state legislation. South Dakota is also the state least affected by migration demographically. In 2008, only 1.9 percent of South Dakota residents were foreign born, the small-

est percentage found in any of the 12 states. South Dakota also experienced a 6.6% decrease in its foreign born population between 2000 and 2008. As one might expect, then, the state introduced very few immigration related bills, only four: 2 exclusionary and two neutral. H1107 provides that animal brand owners from foreign countries and out-of-state counties not bordering South Dakota may not vote for the State Branding Board. S17 provides that driver’s license applicants must have “lawful status” which includes persons lawfully admitted for permanent or temporary residence, conditional permanent residence status, asylees or refugees, those with valid non-immigrant status, and those pending asylum. Documents required include permanent residence card and employment authorization document.

While these bills are exclusionary, their depth and impact are limited. Along with the neutral bills, they suggest that immigration is not a great concern to policymakers in South Dakota, which makes sense given the demographic data.

Similarly, Wisconsin only had three bills that were immigration-related: A75, an omnibus bill that includes both inclusive and exclusionary elements and two neutral bills. Interestingly, the impact of immigration on the state of Wisconsin is significantly greater than on South Dakota. While it ranked sixth out of the 12 Midwestern states in 2008 percent foreignborn (4.5%), it experienced the greatest increase in its foreign-born population between 2000 and 2008 of any Midwestern state (+59.3%). Despite this dramatic population growth, very little immigration legislation was introduced. Thus, Wisconsin, along with South Dakota, demonstrates the most neutral position among the Midwestern states.

Its A75 omnibus bill includes both exclusionary and inclusive elements. For example, this bill eliminates the provision of food stamps to qualified aliens and states that any state issued identification card expires on the date the person’s legal presence in the United States ends. However, it also allows an alien who is not a legal permanent resident of the United States to pay resident college tuition at University of Wisconsin schools, including technical schools, if they meet three criteria: 1) They graduated or have a high school equivalency from a Wisconsin high school. 2) They were continuously present in the state for at least

three years of high school, and 3) They enroll at a University of Wisconsin school and file an affidavit that they have or will file an application for permanent U.S. residency as soon as they are eligible to do so.

Exclusionary-Neutral

Two states are categorized as exclusionary-neutral: Minnesota and Indiana. Legislation in these states is fairly evenly distributed between inclusive and exclusionary, but the exclusionary bills are slightly greater in number or impact.

Minnesota, for example, introduced 8 bills related to immigration during the examined time period. Three were categorized as inclusive, 4 as exclusionary and 1 bill included both inclusive and exclusionary elements. Regarding the demographic context, Minnesota ranked second behind Illinois in the percent of its population that was foreign born in 2008 (6.8%). In addition, it ranked 3rd in the 2000-2008 percent change in its foreign born population (+38.8). Given these data, one would expect a number of immigration related policies to emerge. S2082 provided funding for the Council on Chicano/Latino Affairs (\$298,000) and mandated that a commission be developed “to assist state government to foster an understanding and appreciation of ethnic/cultural diversity in Minnesota, identify underutilized resources within the immigrant community and to facilitate full participation of immigrants in the social, cultural and political life of the state.” S1770 ensures that organizations representing the interests of Latinos and other minorities, and immigrants will have the opportunity to meet with and present views to the Ladder Out of Poverty Task Force. H988 establishes non-compliance with the federal REAL ID Act.

However, several other Minnesota bills are exclusionary in nature. S460 states that undocumented non-citizens and non-immigrants are ineligible for general assistance medical care. S2505 mandates verification of immigration status at initial appointment for state funded child care programs. S1503 requires that a child must be a citizen or meet qualified alien requirements to be eligible of Title IV-E or state funded adoption assistance.

Finally, H1362 contains both inclusive and exclusionary elements. On the one hand, it creates childcare service grants for new programs or projects “for the creation, expansion or improvement of programs that serve ethnic minorities or refugee communities.” On the other hand, it limits medical assistance to citizens and “qualified non-citizens”. Thus, Minnesota introduced slightly more exclusionary bills than inclusive, putting it in the exclusionary-neutral category.

Indiana ranked 7th in 2008 percent foreign born (4.0) and 5th in the percent change in its foreign born population between 2000 and 2008 (34.3). In 2009-2010, Indiana introduced 6 bills related to immigration: 3 exclusionary, 2 inclusive, and one with elements of both. Thus, Indiana is also categorized as exclusionary-neutral, since the exclusionary bills slightly outnumber the inclusive ones.

Three of Indiana’s immigration related bills pertained to driver licensing. S391 and H1130 add provisions and limitations for licenses and ID cards for immigrants. S222 (2010) states that licenses and permits issued to someone with a temporary visa must clearly be identified as temporary. These bills are categorized as exclusionary. S407, however, is a more inclusive bill that authorizes the Bureau of Transportation to negotiate and enter into a reciprocal agreement with a foreign country to facilitate the exchange of operators’ licenses. In addition, non-residents of a certain age who hold operator/chauffeur licenses from another state or county and are lawfully admitted into the U.S. are not required to have an Indiana license.

In addition to the motor vehicle bills, H1182 extends health care services to county prisoners, including those being held for deportation, a policy categorized as inclusive. Finally, the 2009 budget bill (H1001) has both inclusive and exclusionary elements. It budgets \$124,235 to cover operating expenses for the Commission on Hispanic/Latino Affairs. However, it also states that no foreign insurance companies shall be admitted to do business in Indiana and institutes additional rules for foreign businesses. Based on the number and depth of these bills during the period of interest, Indiana is categorized as exclusionary-neutral.

Moderately Exclusionary

One state, Missouri, is categorized as moderately exclusionary. The bills introduced in this state include both inclusive and exclusionary elements, but are somewhat more exclusionary either in number or depth. The demographic context again is important. Missouri ranked 10th out of the 12 Midwestern states in percent foreign born in 2008 (3.6). It ranked 4th in the percent change in the foreign born population between 2000 and 2008 (+38.8%). Thus, with eight bills introduced, Missouri's policymakers appear to be responding more to the increase in the foreign-born population than to the overall percentage. Five of the bills are categorized as exclusionary, five are inclusive, and two are neutral.

H2002 is notable for what is not present rather than for what is. In a bill for education appropriations, no references to immigrants, migrants, bilingual education, Latinos or Hispanics are made and no money appears to be set aside for these groups. S296 modifies laws regarding certain professions that require applicants for licensure as a marital/family therapist must provide evidence that (among other things) they are a U.S. citizen or legal resident alien. H124 focuses on security measures, adding to the responsibilities of the Joint Committee on Terrorism and Bioterrorism and Homeland Security to "make the continuing study and analysis of all state government terrorism and bioterrorism and homeland security efforts...including the feasibility of compiling information relevant to immigrant enforcement issues."

Finally, H390 is probably one of the most exclusionary bills introduced in any of the 12 states during this time period. It prohibits college students who are unlawfully present in the U.S. from receiving financial aid. Furthermore, it requires post-secondary institutions to annually certify that they have not knowingly awarded financial aid to a student not lawfully present in the United States.

Missouri's inclusive bills are fewer and smaller in scope or impact than its exclusionary ones. Two, H2010 and H10, provide \$200,000 for the Division of Senior & Disability Services for the purposes of providing naturalization assistance to refugees and/

or legal immigrants who require special assistance. The funds are to be awarded to a qualified not-for-profit organization. H2011 provides \$3,808,853 from federal funds to the Family Support Division of the Department of Social Services for benefits and services provided by the Indochina Migration and Refugee Assistance Act of 1975. H361 includes both inclusive and exclusionary elements. With regard to driver licenses and ID cards, this bill requires verification that the applicant is lawfully present in the U.S., an exclusionary measure. However, it also prohibits the Department of Revenue from complying with the federal REAL ID act, protects the privacy of applicants and requires the deletion of any biometric data that have been collected, all considered more inclusive measures.

Overall, Missouri is categorized as moderately exclusionary because its exclusionary bills outnumber its inclusive ones, and the exclusionary bills passed are more extreme than those states categorized as exclusionary-neutral. For example, while several states have or are in the process of passing bills that encourage undocumented residents to attend college, Missouri's law blocks them from seeking financial aid and puts a burden on colleges and universities in the state to prove annually that they have not given any aid to undocumented students. H124 includes the study of immigration enforcement issues within the context of national and state security by placing it under the purview of the Joint Committee on Terrorism and Bioterrorism.

Significantly Exclusionary

Two states, Iowa and Nebraska, fall into the significantly exclusionary category. These states introduced primarily exclusionary bills regarding immigration. Iowa, for example, introduced 6 bills during the examined time period. Of the six, only one was inclusive. Four were exclusionary and one neutral. This exclusionary stance appears even stronger within the context of Iowa's demographic data. The state ranked 8th out of the 12 Midwestern states in the percent foreign born in 2008 (3.8%). It also ranked 8th in the percent change in the foreign born population between 2000 and 2008 (+25.1%). Thus, the legislative response seems disproportionate to the demographic impact of immigrants in the state. Of the exclusionary bills, most were

focused on verifying legal status of workers and service applicants. H2522 states that “A business creating jobs with economic development assistance... shall be subject to contract provisions stating that new and retained jobs shall be filled by individuals who are citizens of the U.S. or ... authorized to work...” S2181 includes expectations for the issuing and filing of migrant labor permits. Like H2522, S469 also requires that businesses making use of the state’s economic development assistance programs fill jobs with citizens or authorized workers. S356 requires verification of status in regard to the driver license of a foreign national.

The single inclusive bill found seems fairly limited in scope. H822 states that the Department of Cultural Affairs “shall establish a cultural community grant program to provide grants for a cultural and educational center to showcase an immigrant community from Laos and Vietnam and their cultures...” And finally, S340 is categorized as neutral, requiring individuals convicted of a sex offense in a comparable foreign court to register with the Sex Offender Registry. It also states that passport/immigration documents for those listed on the Sex Offender Registry are not to be made public.

Similarly, bills introduced in Nebraska during this time period were primarily exclusionary. Nebraska ranked 6th among the 12 Midwestern states in the percent of its population that was foreign born in 2008 (6.0%). It ranked 3rd in the percent change in the foreign-born population between 2000 and 2008. So, compared to Iowa there is a somewhat stronger demographic impact of immigration on the state.

Like Iowa, Nebraska’s exclusionary bills focus primarily on verifying the status of workers and benefit seekers. L563 states that any state contract requires the contractor to submit an affidavit attesting that all employees are properly classified, that it has completed I-9s for all workers, and that it has no reasonable basis to believe that any worker is undocumented. Violation of these requirements are grounds for loss of the contract and knowingly providing a false affidavit is defined as perjury. Regarding benefits, L950 states that “From the date of this act, no employee of a member county shall be authorized to participate in the Retirement System for County Employees unless the employee is a) a citizen or b) a qualified alien...” Similarly, L1020 states that “an individual shall be disqualified for

benefits if the services are performed by an alien unless the alien is lawfully admitted to the U.S.” Data are required from all applicants to determine alien status. L403 requires the verification of lawful presence for applicants seeking public benefits. It requires verification of work eligibility status for public employment and mandates that all state agencies must verify status before providing public benefits. It also prohibits all state agencies and political subdivisions of the state from providing public benefits to anyone not lawfully present in the United States. L788 modifies the Nebraska Liquor Control Act to prevent the issuance of a liquor license to a) any person who is not a resident of Nebraska; b) a person of not good character/reputation; c) who is not a citizen of the U.S., or d) has been convicted of a felony.

Three Nebraska bills are categorized as neutral. L579 simply includes aliens in its definition of labor. L725 and L805 mention transportation of migrant workers in a discussion of agricultural vehicles, but say nothing further.

The single inclusive bill introduced in Nebraska during the examined period creates the Commission on Latino-Americans. Functions given to this commission include gathering and disseminating information and conducting hearings, conferences and special studies on problems and programs concerning Latino-Americans; and serving the needs of Latino-Americans, especially in the fields of education, employment, health, housing, welfare and recreation.

Conclusion

State level immigration policy and context of reception in the Midwest region of the United States are complex issues. In the past ten years, the Midwest has experienced a dramatic increase in terms of their Latino population; none of the states had a percentage increase under 30%. The population of residents who are foreign born also increased, but not as drastically; Wisconsin had the largest percentage increase of almost 60%. With this migration to the Midwest, the overall foreign-born population remains below ten percent at 7.7% (Table 5). At the individual state level, no state has a foreign-born population, with the exception of Illinois, of more than seven percent. Increases of Latinos to the area did

not always coincide with dramatic increases at the same level of the foreign-born populations. It is clear that while populations are changing and people are moving to the Midwestern United States, these states are not being “overrun” with immigrants.

The context of reception is influenced by more than state legislative policy. The state of local economies, geographic location, history, and culture, are also influencing and may also be motivating the policy proposals and enactments. However, these policies create the space within which the other dimensions of context of reception operate. Policy, economic dynamics and social aspects work together to send a message and have the power to create an environment where immigrants are incorporated into or marginalized and excluded from mainstream services and society.

In this study we have sought to capture the legislative mood across the Midwest relative to immigrants, particularly Latino immigrants. The time period (2009 and the first half of 2010) does not reflect what came before; consequently, we do not provide a cumulative index relative to the legislative context of each state. For example, Missouri passed Senate Bill Nos. 348, 626 & 461 in 2008, and made, among other things, E-Verify a requirement in state contracts greater than \$5,000 with contractors and subcontractors. Michigan, too, had passed exclusionary legislation in 2008 in the form of House Bill 4505, which mandated legal presence in the state to obtain a driver’s license. Moreover, we did not examine the many anti-immigrant bills that were proposed but not passed during the period of time that we focused on. While such bills may not have passed, they were manifestations of anti-immigrant sentiments to may be mobilized on a broader basis as time goes on.

Overall, the Midwest appears to be a region that is still coming to terms with its changing demographic reality. Each of the twelve states has developed or is developing an approach to addressing the needs and challenges of the growing immigrant populations within their borders. These state-level legislative contexts of reception can be understood as varying along a continuum between significantly inclusive to significantly exclusionary. Based on the number and depth of the policies enacted, this analysis positions each state along this continuum so that we can better

comprehend the state and regional level context of reception. In addition, most exclusionary measures tend to target undocumented immigrants.

Of the twelve Midwestern states, Illinois is the most inclusive based on the data presented here. However, North Dakota and Michigan are moderately inclusive. Kansas and Ohio are fairly neutral, but slightly inclusive. South Dakota and Wisconsin are the most neutral of the 12 states. Minnesota and Indiana are also fairly neutral, but slightly exclusionary. Missouri is moderately exclusionary. Nebraska and Iowa rank as the most exclusionary states in the Midwest.

While much of the analysis was based on the number of inclusive versus exclusionary bills passed, efforts were made to recognize that all the bills are not equal in depth or impact. For example, bills addressing human trafficking definitions and punishment were given more weight because many U.S. states have no human trafficking laws at all (www.humantrafficking.neu.edu). Thus, passing a bill regarding human trafficking is an inclusive and progressive act.

Similarly, passing a bill restricting undocumented students from attending college or receiving financial aid was given more weight in the exclusionary direction. While some states are in the process of passing laws that allow such students to attend college and/or pay in-state tuition, it seems even more exclusionary to pass a law specifically preventing them from doing so and placing a significant burden on colleges and universities to repeatedly prove the legal status of their students.

Overall, the analysis presented here emphasizes the diversity in responses to the growing immigrant and Latino population in the midwestern region. Regionally, there does not seem to be a strong consistency in position towards either integration or exclusion.

Of course, the political environment can change very quickly and drastically. For example, in 2011 the Indiana legislature passed SB590, a sweeping anti-immigration bill that expanded policy authority to enforce federal immigration laws. Thus, the context of reception is dynamic and constantly changing. The above policy and discussion has provided a cross-section or “snap shot” of the Midwest climate regarding immigration. In fact, during the course of writing this paper the political climate changed significantly. The

midterm election resulted in the election of the Republican Party Candidate for the U.S. Senate in all 9 mid-western states that held elections. Results for the U.S. House of Representatives follow a similar trajectory with the majority of the elected officials being Republican Party Candidates (USA Today and The New York Times Elections Maps for 2010a).

The results of the state level elections also show a significant shift in political power (Hansen 2010; National Conference of State Legislatures 2010b). Nine states in the Midwest now have Republican Governors; leaving Illinois, Minnesota and Missouri as the only three States with Democratic Governors. In the Legislature, Illinois is the only state with a Democratic majority in the State Senate and the State House of Representatives. Iowa is split with a Republican majority in the House and a Democratic majority in the Senate. The remaining nine states have Republican majorities in both the State House of Representatives and the State Senate; Nebraska does not have a partisan senate. Thus the Midwest consists of nine red states, one blue state, one divided state, and a non-partisan state.

While the current immigration-related legislation shows a great range of positions within the Midwest on the conceptual spectrum, this change of political leadership has the potential to change the context of reception in the Midwest and may be an indication of what is to come. Elected representatives have already stated their intentions of introducing further immigration policy at the state level. Wisconsin Rep. Donald Pridemore, R-Hartford, made the statement that he is planning to introduce immigration legislation similar to that passed, and being contested, in Arizona (Kulinski 2010). Minnesota, Michigan and Ohio proposed legislation that is similar to the Arizona SB1070 immigration law during the current legislative session (OH SB150, MI HB6256, MN HF3830, & Immigration Policy Center 2010). State of Missouri representatives also proposed the Missouri Omnibus Immigration Act, from which H390 was derived, during their 94th General Assembly in 2007 (MO SB348, 626 & 461, H390).

This type of legislation, not being unique to one particular state, along with the presence of elected representatives whom have made statements about promoting further legislation, could have an impact on the context

of reception at the state and regional level. If such bills were to be passed and signed into law, the potential impact on the context of reception is great. The specific states would likely become more exclusionary and a negative trend could be set in the Midwest. The region would, most likely, move from one that is diverse in its responses to immigration in terms of context of reception to one that leans toward exclusionary.

The presence of a state-level policy context that is exclusionary or integrative has implications beyond the simple focus of the policies themselves. As Portes & Rumbaut (1996) describe, these policies are critical because they shape the reality within which all other dimensions of the context of reception operate. Thus, state-level policies set the tone for local level responses to immigration. Furthermore, state policies regarding immigration issues are also connected to and have implications for the growing native-born Latino populations in many Midwestern states. Exclusionary immigration policies suggest a resistance to the increasing racial/ethnic diversity found in many of these states. This resistance is concerning given the demographic analyses that predict that the Midwest will continue to experience increasing diversity in the coming years fueled primarily by a quickly growing Latino population.

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