

WELCOMING CITIES, WELCOMING POLICIES? IMMIGRATION POLICYMAKING AND IMMIGRANT RENEWAL STRATEGIES IN THE RUST BELT

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I. INTRODUCTION

On October 5, 2011, the Dayton, Ohio City Commission voted unanimously to adopt the “Welcome Dayton” resolution, which outlined the steps Dayton could take to become an “immigrant-friendly” city within three to five years.¹ The plan calls for changes in four areas: business and economic development; the local government and justice system; social and health services; and community, culture, and education. Key changes to the local government and justice system would include the creation of a municipal identification card and the implementation of law enforcement policies to build trust between local police and immigrant communities. They would make Dayton a sanctuary city, though it has never used that label.² The remaining proposals would address other challenges immigrants face when settling in a new country.³

Such an omnibus approach to immigrant integration is somewhat unique and highlights the fact that immigrants face many challenges when trying to integrate into a new community. Though the focus is often on whether a city cooperates with federal immigration enforcement, other local laws and policies also affect immigrants’ day-to-day lives, from their ability to access healthcare, find employment, or open businesses. Among others, Alejandro Portes and Rubén Rumbaut have argued that these laws and policies can influence whether immigrants remain in a community or move elsewhere.⁴ Thus, local laws can be used as a tool to impact the immigrant population in an area by shaping immigrants’ integration experiences.

This is the goal of Welcome Dayton. Though the plan is framed as an effort to “integrate new residents and help them on a path to citizenship,” the

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1. City of Dayton, *What is Welcome Dayton?*, WELCOMEDAYTON.ORG, <http://www.welcomedayton.org/about/> (last updated Dec. 22, 2015).

2. See DAYTON HUMAN RELATIONS COUNCIL, WELCOME DAYTON PLAN: IMMIGRANT FRIENDLY CITY 13–14 (Sept. 2011), <http://www.welcomedayton.org/wp-content/uploads/2012/01/Welcome-Dayton-immigrant-friendly-report-final.pdf>.

3. *Id.*

4. See ALEJANDRO PORTES & RUBÉN G. RUMBAUT, IMMIGRANT AMERICA: A PORTRAIT (3d ed. 2006) [hereinafter IMMIGRANT AMERICA].

plan clearly is also meant to help the city.⁵ For every mention of integrating immigrants, it also mentions how immigrants create jobs, start businesses, and revive neighborhoods. The city hopes that by welcoming immigrants, the community will positively benefit. While Dayton's plan is in some ways unique (most cities have not generated such specific goals nor outlined clear strategies for reaching them), it is not alone in trying to become immigrant-friendly. Cities across the Rust Belt⁶ are implementing immigrant-driven revitalization strategies to address their myriad social problems. These strategies address both immigration enforcement and the other issues that immigrants face while resettling.

These strategies raise an important point: if we want to truly understand immigrants' experiences and rights within a community, we must look beyond whether they live in a sanctuary city (though that is still very important) and consider other local laws and policies that affect their ability to integrate into a community. This article takes a step in that direction by considering a wide array of laws related to immigrants in the municipal codes of sixteen Rust Belt cities.⁷ While this is not a perfect approach—as I will demonstrate, cities implement policies that never get codified into law—it does provide a broader view of local immigration laws than what researchers generally consider. I analyze these policies using Portes and Rumbaut's "context of reception" framework, which categorizes policies and laws based on whether they would positively or negatively affect immigrants.⁸ In Section I, I present this framework. I then examine the local immigration policies explored in existing research and fit them into the typology. In Section II, I outline my data and methods, including a discussion of how I have defined the Rust Belt and selected the cities included in the analysis. In Section III, I present my findings, and in Section IV, I conclude with a discussion of the overall state of immigration policymaking in the Rust Belt and consider whether these policies support the immigrant-driven revitalization goals of Rust Belt cities.

II. LOCAL IMMIGRATION AND THE CONTEXT OF RECEPTION FRAMEWORK

In *Immigrant America*, Portes and Rumbaut argue that a nation's migration flow depends on its "context of reception," or how welcoming it is to immigrants.⁹ The context of reception is shaped primarily by three factors: the government's immigration policies, the labor market, and the area's existing immigrant population.¹⁰ Because the government can really

5. DAYTON HUMAN RELATIONS COUNCIL, *supra* note 2, at 5.

6. By *Rust Belt* cities, I mean cities that experienced population decline and associated social problems following deindustrialization. For a detailed discussion of my definition of the term and how I selected the cities for this analysis, see Section II.A.

7. Not all of these cities are pursuing government-led, immigrant-driven revitalization strategies. However, most of these cities have civil organizations that support these efforts, and it can be argued that all of them could benefit from such an approach. I included sixteen cities to get a sense of the regional approach to immigration policymaking.

8. See IMMIGRANT AMERICA, *supra* note 4, at xvli, xxiv–xxv.

9. *Id.* at xvii.

10. *Id.* at xxv.

only control one of these factors—the policies—it is limited in its ability to control the size of its immigrant populations.

Although Portes and Rumbaut discussed national immigration policies, their theory can apply to local areas as well.¹¹ Indeed, cities that aim to attract immigrants as part of a revitalization strategy are essentially trying to improve their context of reception by changing their immigration policies. Portes and Rumbaut argue that immigration policies largely fall into three categories: “active encouragement,” “passive acceptance,” and “exclusion.”¹² Each type of policy has a different effect on the context of reception, and thus, the immigration flow to that area.¹³

Active encouragement occurs when the government enacts legislation meant to support immigrants and encourage immigration to an area.¹⁴ Such efforts are designed to improve the context of reception and increase immigration. Areas engaging in active encouragement might provide healthcare to noncitizens,¹⁵ offer protection to immigrant day laborers,¹⁶ or limit cooperation with federal immigration enforcement agencies¹⁷—a practice that is the cornerstone of sanctuary city policies.

Passive acceptance occurs when the government is content with maintaining the status quo; no efforts are made to limit or encourage immigration.¹⁸ Such efforts have no effect on the context of reception, and thus should not affect the flow of immigrants to the area. A community characterized by passive acceptance would make little attempt to actively regulate immigration at the local level. In this situation, federal policy would be followed, but nothing would be done to amplify or diminish its effects. Research suggests that this is the most common approach taken at the municipal and county level.¹⁹

11. *Id.*

12. ALEJANDRO PORTES & RUBÉN G. RUMBAUT, LEGACIES: THE STORY OF THE IMMIGRANT SECOND GENERATION 46 (2001) [hereinafter STORY OF THE IMMIGRANT SECOND GENERATION].

13. *See id.* at 46–47.

14. *Id.*

15. Pablo A. Mitnik & Jessica Halpern-Finnerty, *Immigration and Local Governments: Inclusionary Local Policies in the Era of State Rescaling*, in TAKING LOCAL CONTROL: IMMIGRATION POLICY ACTIVISM IN U.S. CITIES AND STATES 51, 62–65 (Monica W. Varsanyi ed., 2010). *See generally* Helen B. Marrow, *The Power of Local Autonomy: Expanding Health Care to Unauthorized Immigrants in San Francisco*, 35 ETHNIC & RACIAL STUDS. 72 (2012) (analyzing how some of San Francisco’s health care policies mitigate unauthorized immigrant vulnerabilities given the relative hostility of U.S. federal law).

16. *See generally* Michael S. Danielson, *All Immigration Politics Is Local: The Day Labor Ordinance in Vista, California*, in TAKING LOCAL CONTROL: IMMIGRATION POLICY ACTIVISM IN U.S. CITIES AND STATES, *supra* note 15, at 239 (examining Vista, California as a case study for how city policies regard immigrant day labor).

17. *See generally* Christopher Carlberg, Note, *Cooperative Noncooperation: A Proposal for an Effective Uniform Noncooperation Immigration Policy for Local Governments*, 77 GEO. WASH. L. REV. 740, 740–65 (2009).

18. STORY OF THE IMMIGRANT SECOND GENERATION, *supra* note 12, at 47.

19. *See* S. KARTHICK RAMAKRISHNAN & PAUL G. LEWIS, IMMIGRANTS AND LOCAL GOVERNANCE: THE VIEW FROM CITY HALL, at viii, 84 (2005); Paul G. Lewis et al., *Why Do (Some) City Police Departments Enforce Federal Immigration Law? Political, Demographic, and Organizational Influences on Local Choices*, 23 J. PUB. ADMIN. RES. & THEORY 1, 19–21 (2012).

Finally, exclusionary policies are intended to make life more difficult for immigrants with the intention of dissuading them from settling in a community, thus reducing the flow of immigrants. Several communities have enacted draconian immigration policies with the goal of driving immigrants from the area or discouraging them from settling there in the first place.²⁰ Examples of this include state efforts like Arizona's SB 1070, which allowed police officers to ask for immigration papers from anyone they suspected of being an immigrant,²¹ and Alabama's HB 56, which included the same so-called "papers please" provisions as SB 1070, but also prohibited undocumented immigrants from receiving public benefits and required public schools to inquire about legal status.²² Many exclusionary local policies are modeled after Hazleton, Pennsylvania's law preventing anyone from selling or renting housing to undocumented immigrants.²³ Other policies, like those restricting welfare and other public benefits to citizens,²⁴ can be considered exclusionary, as can policies that increase local enforcement of federal immigration laws.²⁵

The context of reception could influence whether immigrants move to a particular location and shapes their assimilation experience after they have arrived. If cities want to attract immigrants as a revitalization strategy, they need to create a context of reception that is welcoming and supportive of immigrants, or immigrants will settle elsewhere. Additionally, if cities want immigrants to flourish to the point that they can open businesses and restore neighborhoods, then they need to support immigrants and their integration into the community. Establishing a positive context of reception is thus crucial to immigrant-driven revitalization strategies.

There is more to this, however, than just creating new immigrant-friendly policies, though new policies are undoubtedly important. Cities do not make the decision to become immigrant-friendly in a vacuum, and they are not writing policy on a clean slate. There are existing laws in these cities that also affect the context of reception, which present a challenge to cities pursuing immigrant-driven revitalization. This is particularly true if the existing policies make integration and assimilation more difficult. Attention must be paid to the entire local immigration policy context—both old

20. Jill Esbenshade et al., *The "Law-and-Order" Foundation of Local Ordinances: A Four-Locale Study of Hazleton, PA, Escondido, CA, Farmers Branch, TX, and Prince William County, VA*, in *TAKING LOCAL CONTROL: IMMIGRATION POLICY ACTIVISM IN U.S. CITIES AND STATES*, *supra* note 15, at 255; Benjamin Fleury-Steiner & Jamie Longazel, *Neoliberalism, Community Development, and Anti-Immigrant Backlash in Hazleton, Pennsylvania*, in *TAKING LOCAL CONTROL: IMMIGRATION POLICY ACTIVISM IN U.S. CITIES AND STATES*, *supra* note 15, at 157.

21. Randal C. Archibold, *Arizona Enacts Stringent Law on Immigration*, N.Y. TIMES (Apr. 23, 2010), <https://www.nytimes.com/2010/04/24/us/politics/24immig.html>.

22. Julia Preston, *In Alabama, a Harsh Bill for Residents Here Illegally*, N.Y. TIMES (June 3, 2011), <https://www.nytimes.com/2011/06/04/us/04immig.html>.

23. Esbenshade et al., *supra* note 20, at 256–59; Fleury-Steiner & Longazel, *supra* note 20, at 159–60.

24. See generally Deborah Roempke Graefe et al., *Immigrants' TANF Eligibility, 1996-2003: What Explains the New Across-State Inequalities?*, 42 INT'L MIGRATION REV. 89 (2008) (analyzing state welfare policies and their effects on immigrant communities).

25. See, e.g., Monica W. Varsanyi, *Immigration Policy Activism in U.S. States and Cities: Interdisciplinary Perspectives*, in *TAKING LOCAL CONTROL: IMMIGRATION POLICY ACTIVISM IN U.S. CITIES AND STATES*, *supra* note 15, at 1, 3–4.

policies and new—to truly evaluate whether these cities are creating a positive context of reception. If old policies exist that discourage immigration and undercut current goals, they could stymie these immigrant-driven revitalization strategies.

Before analyzing Rust Belt policies, it would be beneficial to consider what we already know about local immigration policymaking and its potential effects. Much of this knowledge comes from case studies of particular policies in certain cities. Thus, we do not know the full extent of local immigration policymaking. We know what legislation has been passed in some communities, particularly those with large immigrant populations or especially hostile laws, but we know little of the legislation passed in the rest of the country, including the cities of the Rust Belt. We also know nothing of local laws that were already on the books, as both the case studies and the survey studies on local immigration policymaking focus on new policies.²⁶ Subsequently, there is little to no existing information about immigration policymaking in the Rust Belt or local immigration policymaking before the mid-2000s.

Existing studies do suggest some possible avenues for local immigration policymaking, however. They examine the intention and ramifications of certain policies on immigrants, making it possible for us to determine whether these policies would contribute to the active encouragement, passive acceptance, or exclusion of immigrants and immigration.²⁷ This typology provides a useful framework for understanding local immigration policymaking. I fit the local policies found in the existing literature into this framework, presented in Figure 1.

26. See generally RAMAKRISHNAN & LEWIS, *supra* note 19.

27. STORY OF THE IMMIGRANT SECOND GENERATION, *supra* note 12.

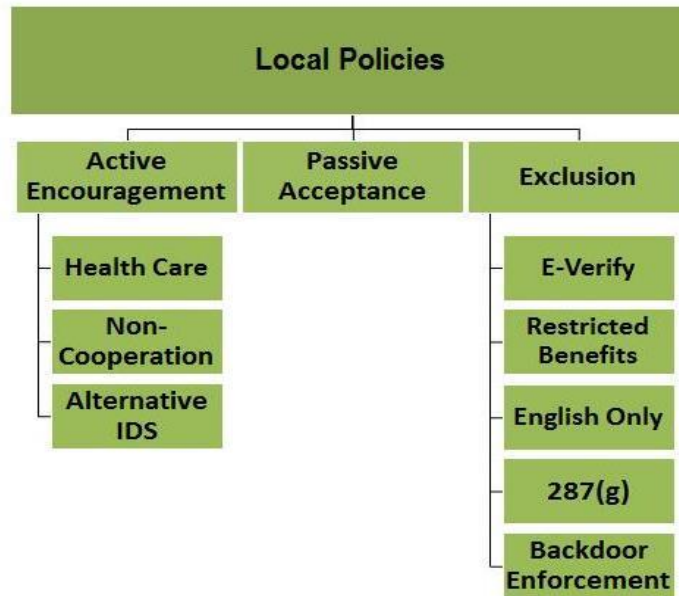


Figure 1. Existing Immigration Policies Typology

A. ACTIVE ENCOURAGEMENT

As Figure 1 demonstrates, existing research has uncovered three types of local policies that can be considered to actively encourage immigration. The first includes policies that provide healthcare to immigrants. While many immigrants rely on emergency room services for healthcare, some cities have tried to reduce that dependency by providing health clinics or other health services for immigrants, regardless of legal status. In San Francisco, for example, local policies allow doctors to treat immigrants without having to worry about the patient's legal status or the direct costs of their treatment.²⁸ Providing essential services to immigrants in this way makes integration into the community easier.

The second type of policy covers non-cooperation, which is sometimes referred to as a sanctuary city policy. Non-cooperation policies limit local government employees' cooperation with federal immigration agents. These policies tend to take two forms: The first involves police departments refusing to execute immigration holds (requests that immigrants be detained and then turned over to Immigration and Customs Enforcement (ICE)) unless the detainee in question is a serious violent offender or is wanted on a criminal warrant.²⁹ The second form involves passing a "non-cooperation

28. Marrow, *supra* note 15, at 77–81.

29. See JUAN MANUEL PEDROZA, *Removal Roulette: Secure Communities and Immigration Enforcement in the United States (2008-2012)*, in *OUTSIDE JUSTICE: IMMIGRATION AND THE*

law.” These laws essentially institute a “Don’t Ask, Don’t Tell” policy regarding immigration status. Federal laws make it illegal for local officials to withhold immigration information from federal authorities, so local governments have circumvented this by prohibiting government employees from asking about immigration status at all.³⁰ Non-cooperation policies reduce migrants’ fear of enforcement and deportation, and free them to move about the city unhindered. This makes their integration into the community easier than if they were relegated to the shadows of society due to fear of apprehension.

The final type of policy that actively encourages immigration is one that provides for alternative identification. In a post-9/11 world, individuals need identification or risk being detained while police run their information through the criminal and immigration databases. An individual’s status as an undocumented immigrant raises his or her chance of discovery and deportation, likely resulting in wariness of government and police officials. To combat this, many cities have moved to accept the “matrícula consular” (the identification card provided by the Mexican consulate) as acceptable identification, thus limiting the number of people being checked in federal databases.³¹ Like non-cooperation policies, alternative identification laws make it easier for immigrants to move about and integrate into communities.

B. PASSIVE ACCEPTANCE

Because passive acceptance means that the local government is maintaining the status quo, there are no local policies that can be classified as passive acceptance; enacting immigration laws necessarily means changing the context of reception, resulting in either active encouragement or exclusion. However, this does not mean that these cities are completely separated from immigration policymaking and its effects. Passive acceptance still means participating in federal immigration enforcement through the Secure Communities program and the Criminal Alien Program (CAP), which are both used to deport undocumented immigrants who come into contact with the police. Cities that engage in passive acceptance, which research suggests is the most common approach to local immigration policymaking, still participate in programs that can have an exclusionary effect.³²

C. EXCLUSION

The final type of local immigration policy is exclusion, or tactics that try to discourage immigration by making life difficult or unpleasant for immigrants. Most of these policies focus on discouraging undocumented

CRIMINALIZING IMPACT OF CHANGING POLICY AND PRACTICE 45, 58–61 (David C. Brotherton et al. eds., 2013).

30. See, e.g., Mitnik & Halpern-Finnerty, *supra* note 15, at 54–55; Carlberg, *supra* note 17, at 750–52.

31. Mitnik & Halpern-Finnerty, *supra* note 15, at 67; Monica W. Varsanyi, *Documenting Undocumented Migrants: The Matrículas Consulares as Neoliberal Local Membership*, 12 *GEOPOLITICS* 299, 304–07 (2007).

32. See RAMAKRISHNAN & LEWIS, *supra* note 19, at 43–44, 85; Lewis et al., *supra* note 19, at 19–21.

immigrants, but can also deter *documented* immigrants by encouraging fear and hostility toward foreign-born persons generally. Existing research has explored five categories of exclusionary policies. The first includes those that require employers to use the E-Verify system, the national database that allows employers to verify that employees are authorized to work in the U.S.³³ Some cities require this for all employers, and others just for government agencies or those seeking government contracts.³⁴ Such policies make it more difficult for immigrants to get jobs, documented or undocumented, especially since E-Verify is slow and error-prone, frequently indicating that immigrants do not have work authorization when they actually do.³⁵

The second category consists of laws that restrict benefits based on immigration status. For example, states can decide who is eligible for welfare, and some have restricted immigrants' access.³⁶ Other policies restrict immigrant access to housing, requiring potential tenants to demonstrate that they are legally in the country or imposing fines on landlords who rent to undocumented immigrants.³⁷

The third type of policy encourages "backdoor enforcement" of immigration laws.³⁸ They take advantage of federal enforcement programs like Secure Communities and CAP to remove immigrants from the community. Under these policies, local police crack down on civil ordinances like loitering, solicitation, and overcrowding in the hope that they catch deportable immigrants.³⁹ Arrested immigrants can then be removed through one of the federal enforcement programs.⁴⁰ The fourth type of policy establishes a 287(g) program. This is an optional federal program that takes local officers and deputizes them as ICE agents, allowing them to interview suspected immigration violators and begin deportation proceedings from the local jail. The 287(g) program is considered to be one of the most draconian immigration control efforts that a local law enforcement agency can introduce, and is fairly uncommon. In fact, although the 287(g) program was established in 1996, no law enforcement agencies signed the Memoranda of Agreement (MOAs) that established 287(g) partnerships until after the September 11, 2001 terrorist attacks.⁴¹ At the program's height in 2011, only seventy-two local agencies had signed MOAs.⁴² By November 2015, only

33. Christina M. Rodriguez et al., *Legal Limits on Immigration Federalism*, in TAKING LOCAL CONTROL: IMMIGRATION POLICY ACTIVISM IN U.S. CITIES AND STATES, *supra* note 15, at 31, 36.

34. Jorge M. Chavez et al., *Collateral Consequences: The Impact of Local Immigration Policies on Latino Immigrant Families in North Central Indiana*, in OUTSIDE JUSTICE: IMMIGRATION AND THE CRIMINALIZING IMPACT OF CHANGING POLICY AND PRACTICE, *supra* note 29, at 69, 74.

35. Rodriguez et al., *supra* note 33, at 36.

36. Graefe et al., *supra* note 24, at 89.

37. JILL ESBENSHADE ET AL., DIVISION AND DISLOCATION: REGULATING IMMIGRATION THROUGH LOCAL HOUSING ORDINANCES 2, 9 (2007).

38. Monica Varsanyi, *Immigration Policing Through the Backdoor: City Ordinances, the "Right to the City," and the Exclusion of Undocumented Day Laborers*, 29 URB. GEOGRAPHY 29, 29 (2008).

39. *Id.* at 35–37.

40. *Id.* at 33.

41. RANDY CAPPS ET AL., DELEGATION AND DIVERGENCE: A STUDY OF 287(G) STATE AND LOCAL IMMIGRATION ENFORCEMENT 1, 28 (2011).

42. *See id.* at 14.

thirty-four agencies were enrolled.⁴³ It has never been a popular program, but it has been used, much like backdoor enforcement, to scare immigrants and drive them underground or out of an area.

Finally, the fifth type of policy requires that all government business be conducted in English. Such policies are meant to either encourage non-English speakers to learn English faster or decrease access to government services for those who do not speak English and keep them from integrating into the community.⁴⁴

III. ANALYZING LOCAL IMMIGRATION POLICYMAKING IN THE RUST BELT

Using the context of reception framework developed by Portes and Rumbaut⁴⁵ and the classification scheme presented in the previous section, I analyzed the municipal codes of all mid-sized and large Rust Belt cities to examine whether local laws support the immigrant-driven revitalization strategies pursued across the region. Municipal codes establish the responsibilities and practices of the local government and the rights of residents, and thus can play a significant role in shaping how friendly and welcoming a city seems to immigrants. Most existing studies on local immigration policymaking have focused on single cases or single policies, like those expanding acceptable sources of identification⁴⁶ or creating day labor ordinances.⁴⁷ Those that have taken a broader approach include all types of restrictive and permissive policies, but only focus on new legislative efforts.⁴⁸ I take a slightly different approach and examine all new and existing laws that could affect immigrants, which provides a more complete picture of the legal context immigrants experience when they enter these cities. In addition, most studies focus on a single city or a small number of cities, but I examine the policies across the entire region, making this a rare large-scale comparative study.⁴⁹

A. DEFINING THE RUST BELT

In order to engage in a comparative study of Rust Belt cities, I must define “Rust Belt” and “Rust Belt city.” The term “Rust Belt”, and its

43. FOIA Library, U.S. IMMIGRATION & CUSTOMS ENFORCEMENT, <https://www.ice.gov/foia/library> (last updated July 24, 2018) (select “287(g) Memorandums of Agreement/Understanding” to view those hyperlinks, then follow “Listing of 287(g) Communities 2009-2017” and scroll to find the agency list titled “November 2016”).

44. Esbenshade et al., *supra* note 20, at 272.

45. See generally IMMIGRANT AMERICA, *supra* note 4 (referencing the doctrinal framework authors Portes and Rumbaut developed to explain the degree that immigrants feel welcome in a community).

46. Varsanyi, *supra* note 31, at 304–06.

47. Danielson, *supra* note 16, at 241.

48. See, e.g., RAMAKRISHNAN & LEWIS, *supra* note 19, at iii; S. Karthick Ramakrishnan & Tom Wong, *Partisanship, Not Spanish: Explaining Municipal Ordinances Affecting Undocumented Immigrants*, in TAKING LOCAL CONTROL: IMMIGRATION POLICY ACTIVISM IN CITIES AND STATES, *supra* note 15, at 75–76.

49. But see RAMAKRISHNAN & LEWIS, *supra* note 19 (examining policy in several cities within California).

predecessor, “Rust Bowl,”⁵⁰ were coined by journalists in the early-1980s to denote cities that were struggling following deindustrialization. Because of these origins, there is no existing formal definition of what counts as a Rust Belt city. For the purposes of this study, I developed a definition based on popular usage. Generally, when people refer to the Rust Belt, they mean the industrial areas of the Midwestern and Northeastern United States that experienced population and manufacturing loss following deindustrialization and that subsequently faced economic problems, like high unemployment, as a result.⁵¹

<i>Criteria</i>	<i>Measurement</i>
Cities in the Industrial Midwest and Northeast	Located in the Midwestern and Northeastern US census regions Cities in the Great Lakes states, plus St. Louis
Significant Manufacturing Centers	At least 25% of the employed population working in manufacturing, 1980
Population Loss	Lost at least 10% of their population between 1960 and 1980
Growth in Unemployment	Growth in percent unemployed between 1960 and 1980
Little population growth since 1980	Population has remained stagnant or decreased between 1980 and 2010
Mid-sized and large cities	Cities that ranked in the top 100 in the United States in 1960 population size

Table 1. Rust Belt Definition Criteria and Measurement

50. Christopher Byron, *Booms, Busts, and Birth of a Rust Bowl*, TIME MAG., Dec. 27, 1982, at 63.

51. EDWARD McCLELLAND, *NOTHIN’ BUT BLUE SKIES: THE HEYDAY, HARD TIMES, AND HOPES OF AMERICA’S INDUSTRIAL HEARTLAND* 104–05 (2013); *Rust Belt*, OXFORD ENGLISH DICTIONARY (3d ed. 2012).

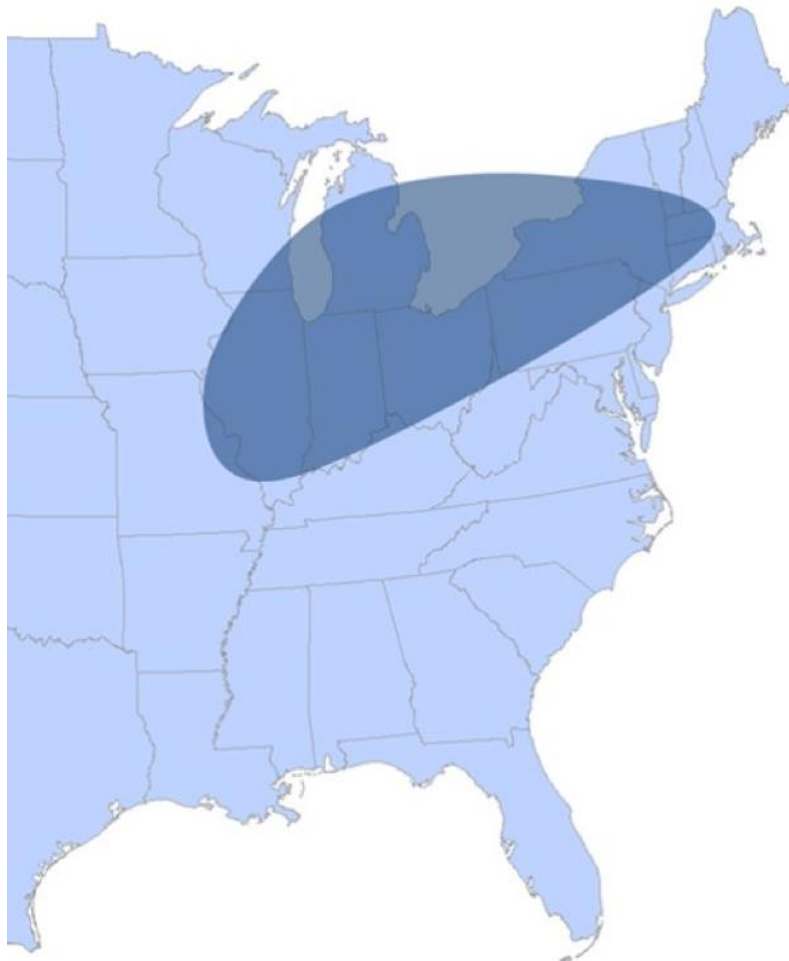


Figure 2. Rust Belt Region Map

Based on this usage, I developed a definition that employs six criteria, which are listed in Table 1. First, I only include cities in the industrial Midwest and Northeast (the dark blue area in Figure 2). Second, I only include cities that were significant manufacturing centers, and that had at least 25 percent of their employed population working in manufacturing in 1980, when the term “Rust Belt” originated. Third, I only include cities that lost at least 10 percent of their population between 1960 and 1980, and fourth, that experienced a growth in unemployment during the same period. These constraints exclude cities like Indianapolis, Indiana and Columbus, Ohio, which experienced significant population growth across the period. Fifth, I only include cities that have seen little population growth since 1980. This limitation excludes one city, Worcester, Massachusetts, which lost 13.28

percent of its population between 1960 and 1980, but regained nearly all of it by 2010 (census statistics not shown).

Finally, I only include cities that ranked within the top one hundred in the United States in terms of 1960 population size. I use this constraint for two reasons. First, immigrants are more likely to live in big or mid-sized metropolitan areas than smaller areas, even with the recent shifts in immigrant destinations.⁵² Consequently, smaller cities likely have very different expectations regarding immigrants than those of bigger cities. Second, the immigration flow to non-metropolitan areas is significantly different than the flows elsewhere. The case studies on new destinations suggest that many small town immigrants work on farms in low-skill, meat processing jobs for very low wages.⁵³ That difference makes comparisons between large cities and small towns on any other immigrant-related dimension inappropriate, though understanding these dynamics is important to research when examining the region as a whole.

To determine which cities met these qualifications, I used census data from 1960 through 2010. The 2000 and 2010 waves of the Census are available on the Census Bureau's website.⁵⁴ The 1960 through 1990 waves are partially archived online.⁵⁵ The data that were missing from the online archives were culled from the State Library of Ohio's bound copies of the Census. The data indicated that sixteen cities met the criteria: Akron, Ohio; Buffalo, New York; Chicago, Illinois; Cincinnati, Ohio; Cleveland, Ohio; Dayton, Ohio; Detroit, Michigan; Flint, Michigan; Gary, Indiana; Milwaukee, Wisconsin; Pittsburgh, Pennsylvania; Rochester, New York; St. Louis, Missouri; South Bend, Indiana; Syracuse, New York; and Youngstown, Ohio. A map of these sixteen cities and the region that is generally considered to contain the Rust Belt is provided in Figure 3.

52. Audrey Singer, *Metropolitan Immigrant Gateways Revisited*, 2014, BROOKINGS INST. (Dec. 1, 2015), <https://www.brookings.edu/research/metropolitan-immigrant-gateways-revisited-2014/>; AUDREY SINGER, *THE RISE OF NEW IMMIGRANT GATEWAYS 1* (2004), https://www.brookings.edu/wp-content/uploads/2016/06/20040301_gateways.pdf.

53. See, e.g., Lourdes Gouveia et al., *The Great Plains Migration: Mexicanos and Latinos in Nebraska*, in *NEW DESTINATIONS: MEXICAN IMMIGRATION IN THE UNITED STATES* 23, 29–30 (Victor Zúñiga & Rubén Hernández-León eds., 2005); Emilio A. Parrado & William Kandel, *New Hispanic Migrant Destinations*, in *NEW FACES IN NEW PLACES: THE CHANGING GEOGRAPHY OF AMERICAN IMMIGRATION* 99, 102–03 (Douglas S. Massey ed., 2008).

54. See *American FactFinder*, U.S. CENSUS BUREAU, <https://factfinder.census.gov/faces/nav/jsf/pages/index.xhtml> (last visited Apr. 20, 2019) (using the “community facts” search function elicits this data).

55. *Census of Population and Housing*, U.S. CENSUS BUREAU, <https://www.census.gov/prod/www/decennial.html> (last updated June 23, 2014).



Figure 3. Rust Belt Cities

B. DATA AND METHODS

The data for the following analysis were drawn from the municipal codes of the sixteen mid-sized and large Rust Belt cities. I found the most recent municipal code from each city⁵⁶ and then employed a keyword search to find laws that could affect immigrants specifically. I searched for fourteen terms: immigration, immigrant, alien, foreign, refugee, asylum, native, nation, national, nationality, citizens, citizenship, E-Verify, and English. I read each policy and retained those that both flagged one of these words and that actually applied to immigrants. I discarded any laws that used one of these terms in a different context. Common examples of discarded policies include references to “foreign substances” in water or soil samples, the maintenance of “asylums for the insane,” and references to citizens that simply mean “residents of the city.” The results of this search yielded 497 subsections of relevant policy, ranging from a low of fourteen in Akron to a high of eighty-nine in Chicago. There were no matches for “E-Verify,” and no relevant matches for “asylum.” The number of policies found in each city is listed in Table 2, along with the date on which the municipal code was last updated.

56. Many cities provide their municipal codes online. *E.g.*, DAYTON, OHIO, CODE OF ORDINANCES (2018), https://library.municode.com/oh/dayton/codes/code_of_ordinances.

With the exception of Flint, Gary, and Syracuse, all of the municipal codes were updated in either 2015 or 2016.⁵⁷

<i>City</i>	<i>Code Up-to-Date</i>	<i>Number of Relevant Policies</i>
Akron, Ohio	January 19, 2016	14
Buffalo, New York	May 12, 2015	28
Chicago, Illinois	September 24, 2015	89
Cincinnati, Ohio	February 25, 2016	19
Cleveland, Ohio	February 8, 2016	42
Dayton, Ohio	January 26, 2016	27
Detroit, Ohio	July 31, 2015	66
Flint, Michigan	March 1, 2012	21
Gary, Indiana	January 10, 2010	21
Milwaukee, Wisconsin	February 9, 2016	23
Pittsburgh, Pennsylvania	August 11, 2015	27
Rochester, New York	January 19, 2016	17
St. Louis, Missouri	September 10, 2015	36
South Bend, Indiana	May 6, 2016	19
Syracuse, New York	August 26, 2013	23
Youngstown, Ohio	March 4, 2015	25

Table 2. Number of Policies and Date at which Municipal Codes are Up-to-Date

I chose to stop in 2016 and not use more recent data for two reasons. First, the quickly changing immigration policies of the Trump administration have complicated both the creation and interpretation of local immigration policymaking. There are many questions about what protections localities can and cannot offer immigrants. Second, and perhaps more importantly, the majority of the “welcoming city” revitalization efforts were established shortly after the 2010 Census figures were released. If cities were going to change their municipal codes to support their efforts, these changes would

57. For mid-sized cities, recodification—merging new ordinances with the existing code—happens approximately every five years. *See, e.g., GARY, IND., CODE OF ORDINANCES*, <http://garycityclerk.com/gary-municipal-code/code/> (2010). From that standpoint, Flint’s and Syracuse’s codes would still be considered up-to-date. Gary has had trouble maintaining an up-to-date code. Prior to the update in 2009–2010 that produced the current edition, Gary’s municipal code had not undergone recodification in twenty-one years. In light of this, Gary’s municipal code is now relatively up-to-date.

have likely happened within a few years. The 2015 or 2016 cutoff of these data allows time for such changes to be implemented.⁵⁸

After gathering all of the codes, I analyzed them to determine whether they would *actively encourage* immigration or have an *exclusionary* effect. I then fit these policies into the typology presented in the previous section. In the course of this analysis, I discovered that some of the policies that are popular elsewhere have not been passed in any Rust Belt cities, and many policies that exist in Rust Belt cities have not been discussed in the existing literature. This does not mean those laws do not exist elsewhere—they almost certainly do—just that they have not been examined as immigration policies. I have added these new types of policies to the classification scheme presented in Figure 1. The new scheme is shown in Figure 4, in which the new categories are presented in lighter colored boxes with broken borders. These policies can also affect the context of reception and should be considered in future research that examines local immigration policymaking.

58. This cutoff is not an issue for the three cities with older codes—Gary, Flint, and Syracuse. Although it has been suggested that immigration could benefit all of these cities, and while there are likely some citizen groups pursuing these strategies independent of the city, none of these cities have proposed government-sponsored immigrant renewal strategies.

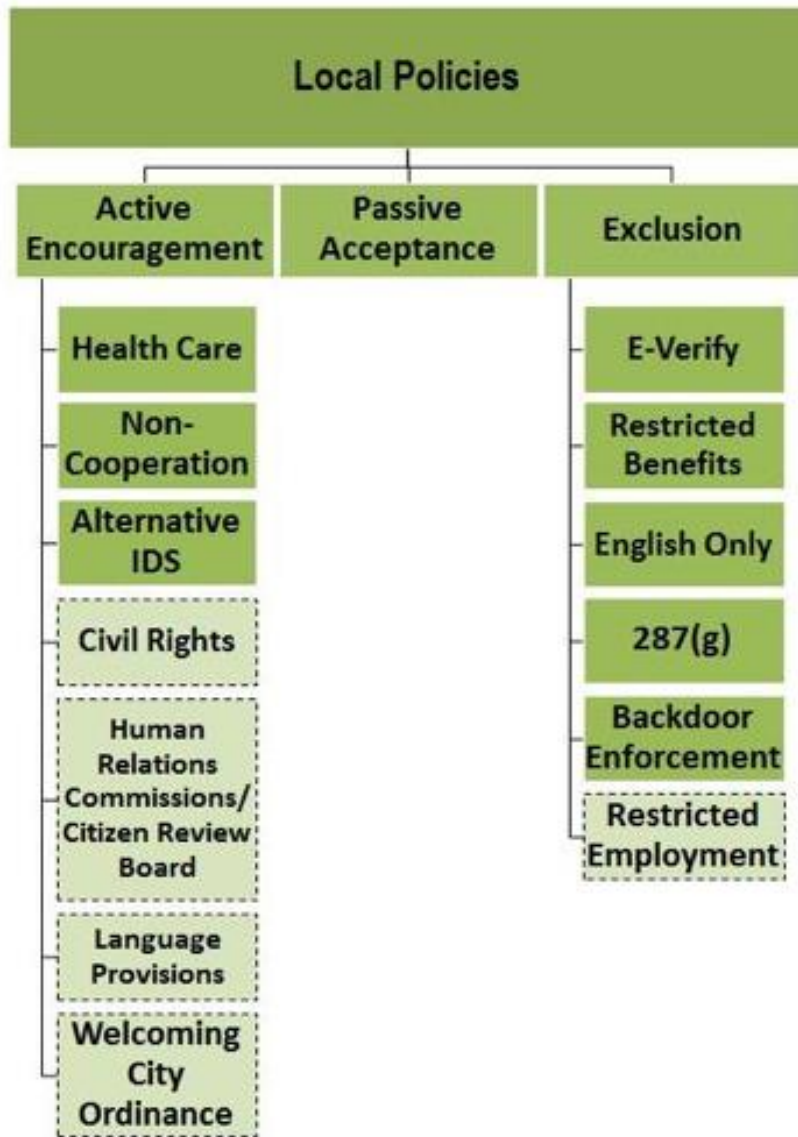


Figure 4. Expanded Immigration Policies Typology

IV. LOCAL IMMIGRATION POLICYMAKING AND THE CONTEXT OF RECEPTION IN THE RUST BELT

Every Rust Belt city has at least some policies that could affect immigrants. However, it is unlikely that every policy that could affect immigrants would actually affect the context of reception. Some policies are so obscure—such as Milwaukee’s law allowing residents to use alien registration cards at pawn brokers⁵⁹ or South Bend’s policy requiring that tattoo and piercing aftercare instructions be provided in English and Spanish⁶⁰—that they would have a limited effect on immigrants’ lives. Other policies, like those requiring the use of English on some signage and in some recordkeeping, could put immigrants with low English proficiency at a disadvantage, but are unlikely to distinguish one context of reception from another. This indicates a caveat to the discussion of local immigration policymaking: not all policies that affect immigrants affect the context of reception. Thus, we also must consider the degree to which a policy affects immigrant experiences. So, while there are many policies related to immigrants in these municipal codes, only a subset are relevant to this discussion.

Additionally, we must consider the timing of the implementation of these policies. While immigrant-driven revitalization strategies are a fairly recent development, and although immigration policymaking and enforcement have devolved since the mid-1990s and early-2000s, many of these policies have been on the books for several decades.⁶¹ With a few notable exceptions, most of these policies do not result from immigrant-driven revitalization strategies but rather stem from the 1960s, 1970s, or 1980s. This suggests that existing policies can affect the context of reception and should be considered. Additionally, the lack of new policies raises questions about how much effort cities are putting into their immigrant-driven revitalization strategies.

A. ACTIVE ENCOURAGEMENT

Several Rust Belt cities have implemented policies that can be considered actively encouraging immigration, but few of these policies have been examined in previous research. For example, none of the Rust Belt cities have passed laws about immigrant healthcare, but all of them have passed laws protecting or expanding immigrants’ civil rights. I found six types of immigration policies in the Rust Belt that can be considered active encouragement: civil and voting rights policies; policies establishing Human Relation Commissions and Citizen Review Boards; language provisions; non-cooperation policies; “welcoming city” ordinances; and policies allowing for alternative identification.

With the exception of non-cooperation policies and policies permitting alternative identification, none of these policies have been examined in prior research. Additionally, most of these policies have been in place for decades. With the exception of non-cooperation policies, “welcoming city”

59. MILWAUKEE, WIS., CODE OF ORDINANCES § 92-11 (2016) (effective Mar. 29, 2016).

60. S. BEND, IND., CODE OF ORDINANCES § 13-135 (2018).

61. See, e.g., Varsanyi, *supra* note 25, at 8.

ordinances, and alternative identification policies—all of which are found only in Detroit and Chicago and were passed in the last seven or eight years—the majority of these policies are at least thirty years old.

The first and most common type of immigration policies found in the Rust Belt are those that provide or protect civil rights. All of the Rust Belt cities have passed laws prohibiting discrimination on the basis of national origin. Almost every city has outlawed discrimination in employment and housing,⁶² while many cities have also banned discrimination in more specific circumstances. Examples of this include Chicago's prohibition on discrimination in ambulance services,⁶³ Cleveland's protections against discrimination at go-kart tracks,⁶⁴ and St. Louis' provision for equal treatment in refuse service.⁶⁵

Chicago and Detroit both provide additional civil rights protections. Chicago guarantees that services, provisions, and benefits cannot be withheld on account of immigration or citizenship status, unless required by state and federal statutes or a court decision.⁶⁶ Chicago also requires that anyone providing legal or paperwork assistance to immigrants has a license to do so.⁶⁷ As fraud among immigration service providers is an ongoing concern, this is a potentially helpful protection.⁶⁸

Detroit provides an additional right to immigrants by allowing noncitizen residents to vote in certain elections. Noncitizen residents can vote in Citizen's District Council elections as long as they have registered with the U.S. Immigration Service and are at least eighteen years old.⁶⁹ Although the city does not provide full voting rights—federal and state laws prevent that—it does give immigrants a voice in some local matters, which

62. For examples of city codes prohibiting discrimination in employment, see, e.g., BUFFALO, N.Y., CODE § 35-12 (2017); CHI., ILL., MUN. CODE §§ 2-74-080, 2-160-030 (2018); CINCINNATI, OHIO, CODE OF ORDINANCES § 308-23 (2018); CLEVELAND, OHIO, CODE OF ORDINANCES §§ 187.15, 663.03, 667.05 (2019); DAYTON, OHIO, CODE OF ORDINANCES § 32.03 (2018); DETROIT, MICH., CODE OF ORDINANCES §§ 14-5-3, 27-3-1, 13-1-13 (2017); FLINT, MICH., CODE OF ORDINANCES §§ 2-19.2, 15-7 (2012); GARY, IND., CODE OF ORDINANCES § 26-130 (2010); MILWAUKEE, WIS., CODE OF ORDINANCES §§ 109-9, 350-2013 (2016); PITTSBURGH, PA., CODE OF ORDINANCES § 659.02 (2019); S. BEND, IND., CODE OF ORDINANCES § 2-127.1 (2018); ST. LOUIS, MO., CODE OF ORDINANCES § 3.44.080 (2018); SYRACUSE, N.Y., REV. CODE OF ORDINANCES § 50-6 (2018); and YOUNGSTOWN, OHIO, CODE OF ORDINANCES § 547.03 (2018). For examples of city codes prohibiting discrimination in housing to some degree, see, e.g., BUFFALO, N.Y., CODE §§ 154-2, 154-17 (2017); CHI., ILL., MUN. CODE §§ 5-8-020, 13-72-040 (2018); CINCINNATI, OHIO, CODE OF ORDINANCES § 914-3 (2018); CLEVELAND, OHIO, CODE OF ORDINANCES § 665.03 (2019); FLINT, MICH., CODE OF ORDINANCES §§ 24-98.3, 24-100 (2012); GARY, IND., CODE OF ORDINANCES §§ 26-130, 26-131 (2010); MILWAUKEE, WIS., CODE OF ORDINANCES §§ 109-9, 246.23 (2016); PITTSBURGH, PA., CODE OF ORDINANCES § 659.03 (2019); S. BEND, IND., CODE OF ORDINANCES §§ 2-127, 2-127.1 (2018); ST. LOUIS, MO., CODE OF ORDINANCES § 3.44.080 (2018); YOUNGSTOWN, OHIO, CODE OF ORDINANCES § 548.05 (2018).

63. CHI., ILL., MUN. CODE § 4-68-180 (2018) (effective July 30, 1997).

64. CLEVELAND, OHIO, CODE OF ORDINANCES § 691.16 (2019) (effective Dec. 3, 2009).

65. ST. LOUIS, MO., CODE OF ORDINANCES § 11.02.120 (2018).

66. CHI., ILL., MUN. CODE § 2-173-040(a) (2018) (effective Nov. 8, 2012).

67. *Id.* § 4-6-240 (effective Dec. 9, 2015).

68. Emily A. Unger, *Solving Immigration Consultant Fraud Through Expanded Federal Accreditation*, 29 L. & INEQ. 425, 428 (2011).

69. DETROIT, MICH., CODE § 14-6-10 (1981).

can encourage integration into the community. Immigrants living in Detroit also have the same property rights as all other citizens.⁷⁰

The second type of pro-immigrant policies found in Rust Belt cities are laws that establish Human Relations Commissions and Citizen Review Boards (or comparable organizations with different names). Human Relations Commissions deal with discrimination and intra-group tensions that might arise within a city. Similar to anti-discrimination policies, Human Relations Commissions are meant to protect several classes of residents, including people who could be targeted for discrimination based on nationality or national origin. Akron, Buffalo, Dayton, Detroit, Flint, Syracuse, and Youngstown all have such organizations.⁷¹

Similarly, several cities have Citizen Review Boards. These are meant to give residents some oversight with regard to policing and complaints about law enforcement. In Rust Belt cities, these boards investigate complaints against the police, including complaints related to mistreatment or discrimination on the basis of immigration status. Chicago, Pittsburgh, St. Louis, and Syracuse all have Citizen Review Boards.⁷²

The third type of pro-immigrant policy provides language accommodations for those who do not speak English. Although not all immigrants have limited English proficiency, enough do that language provisions could contribute to a more welcoming context of reception. There are different types of policies that provide language provisions. Many of these policies concern providing paperwork and signage in multiple common languages. Examples include Syracuse's requirement that living wage forms be available in English and Spanish;⁷³ Chicago's policy that signage at day labor agencies about employer, employee, and agency rights must be in English, Spanish, and Polish;⁷⁴ and Rochester's law requiring that lead paint warnings be issued in English and Spanish.⁷⁵

Four cities make language provisions beyond those related to paperwork and signage and have language policies related to the provision of municipal services. In Chicago, if a population exists that speaks a language other than English and it makes up either five percent of the total city population or at least ten thousand residents, whichever is less, city departments are required to provide assistance in that language.⁷⁶ Buffalo and Syracuse both require that some departments provide special accommodations to assist non-English speakers. Syracuse has a consumer affairs office, which is required to make special efforts to assist people who do not speak English or who

70. MICH. CONST. art. X, § 6 (1908).

71. *See, e.g.*, BUFFALO, N.Y., CHARTER § 18-20 (2003); DAYTON, OHIO, CODE § 32.10 (1975); DETROIT, MICH., CHARTER § 7-702 (2012); DETROIT, MICH., CITY CODE § 27-2-5. (1979); FLINT, MICH., CITY CODE § 2-19 (1977); FLINT, MICH., CITY CODE § 2-130 (1977); SYRACUSE, N.Y., REVISED GEN. ORDINANCES § 28 (1963).

72. CHI., ILL., MUN. CODE § 2-78 (2016); PITTSBURGH, PA., CODE OF ORDINANCES § 662 (1997); ST. LOUIS, MO. CODE OF ORDINANCES § 3.140 (2018); SYRACUSE, N.Y. CODE OF ORDINANCES § 12-181 (2018); YOUNGSTOWN, OHIO, CODE OF ORDINANCES § 547 (1986).

73. SYRACUSE, N.Y., CODE OF ORDINANCES § 50-10(a) (2018).

74. CHI., ILL., MUN. CODE § 4-6-070 (2018).

75. LEAD-BASED PAINT POISONING PREVENTION, ROCHESTER, N.Y., PROP. CODE, ch. 90, art. 3, § 90-58(C)(2) (2018).

76. CHI., ILL., MUN. CODE § 2-40-020 (2018).

otherwise “operate at a disadvantage in the marketplace.”⁷⁷ This includes producing special media communications and simplified versions of the consumer protection code and creating temporary offices to service disadvantaged customers.⁷⁸ Similarly, in Buffalo, the council of the Department of Human Resources made additional language provisions by providing extra employment services for people with limited English proficiency.⁷⁹ Milwaukee’s police department pays for interpreters in eight languages,⁸⁰ and has provisions to provide additional language support by written request.⁸¹ Additionally, the commissioner in charge of food service operator certification can waive certain requirements for up to six months if the individual seeking the certification has failed to meet the requirements because they have trouble with the English language.⁸²

The remaining pro-immigrant policies are held exclusively by Detroit and Chicago, which go far beyond other cities in their attempts to provide services to immigrants. First, both cities have noncooperation policies. In Detroit, police cannot ask about immigration status to check if someone is following federal immigration laws,⁸³ or ask victims of or witnesses to a crime about their immigration status.⁸⁴ Detroit’s public servants also cannot ask about immigration status unless it is required by federal law.⁸⁵ Similarly, in Chicago, no agent or agency may ask about immigration status or investigate immigration status unless required by state or federal statute or a court order.⁸⁶ Employers are likewise forbidden from sharing citizenship or immigration status unless required by federal law.⁸⁷ Additionally, Chicago officially limits police participation in federal immigration enforcement. Chicago’s policy states that the police cannot hold someone simply because they believe the individual to be in violation of immigration law and are prohibited from detaining someone on an immigration hold unless that person is subject to a criminal warrant or previously committed a felony.⁸⁸

The second policy that Chicago and Detroit share is a “welcoming city” ordinance. These policies clarify the city’s and the police’s approach to immigration and immigration enforcement. These policies go beyond outlawing or mandating certain behaviors by explaining the reasoning behind the positions. Chicago’s policy is particularly illuminating:

The vitality of the City of Chicago (“The City”), one of the most ethnically, racially, and religiously diverse cities in the world, where one-out-of-five [sic] of the City’s residents is an immigrant, has been built on the strength of its immigrant communities. The City Council

77. SYRACUSE, N.Y., CONSUMER PROTECTION CODE § 2-9(8) (2018).

78. *Id.*

79. BUFFALO, N.Y., CHARTER § C-16-21 (2018).

80. Milwaukee pays for interpreters in American Sign Language, German, Greek, Italian, Kurdish, Polish, Russian, and Spanish.

81. MILWAUKEE, WIS., CODE OF ORDINANCES § 350-134 (2018).

82. DETROIT, MICH., ORDINANCES ch. 27, art. IX, § 4(a)(1) (2014).

83. *See id.*

84. *See id.* § 4(a)(2).

85. *See id.* § 5.

86. CHL., ILL., ORDINANCES ch. 2-173-020 (2012).

87. *See id.* Ch. 2-173-030.

88. *See id.* Ch. 2-173-042.

finds that the cooperation of all persons, both documented citizens and those without documentation status, is essential to achieve the City's goals of protecting life and property, preventing crime[,] and resolving problems. The City Council further finds that assistance from a person, whether documented or not, who is a victim of, or witness to, a crime is important to promoting the safety of all its residents. The cooperation of the City's immigrant communities is essential to prevent and solve crimes and maintain public order, safety and security in the entire City. One of the City's most important goals is to enhance the City's relationship with the immigrant communities.

Due to the City's limited resources; the complexity of immigration laws; the clear need to foster the trust and cooperation from the public, including members of the immigrant communities; and to effectuate the City's goals, the City Council finds that there is a need to clarify the communications and enforcement relationship between the City and the federal government. The purpose of this chapter is to establish the City's procedures concerning immigration status and enforcement of federal civil immigration laws.⁸⁹

The statement outlines why immigrants are important to the city and explains their role in crime control, and goes on to outline the police's involvement in immigration enforcement. This policy, along with a comparable one in Detroit, are the closest examples we have to codified immigrant-driven revitalization strategies.⁹⁰ While the policy does not focus on economic outcomes, it is clear that the city feels that immigrants are beneficial to the community, and that welcoming those immigrants is essential to retaining those benefits.

Finally, Chicago has policies providing for alternative identification. These laws broaden the definition of what forms of identification are acceptable, which allows immigrants to access more services. It also allows them to signal their identity to the police, which keeps the police from having to consult the federal immigration databases. Chicago has two such policies, which seem to have overlapping effects. The first is that the Mexican *matricula consular* is an acceptable form of identification at any city department. These departments can also accept the consular identification of

89. See *id.* Ch. 2-173-005.

90. Detroit's "welcoming city" ordinance is similar to Chicago's: "It is the policy of the City of Detroit to respect the rights of, and provide equal services to, all persons regardless of . . . immigration status[,] national origin, physical characteristics, race . . . to encourage victims of crime and witnesses to cooperate with law enforcement authority without regard to immigration status; to prevent bias-based policing; and to promote acceptance. In order to permit members of immigrant communities to access services that are provided by the City of Detroit government to which they are entitled . . . the City of Detroit enacts this article as an effective way to guide city public servants in adhering to rights under the United States Constitution . . . and under federal law, while protecting the safety and health of all members of the Detroit community." DETROIT, MICH., ORDINANCES ch. 27, art. IX, § 1 (2014).

any country that has a consulate⁹¹ in Chicago.⁹² The second policy is broader. It states that at any time an Illinois driver's license is considered to be acceptable identification, an individual's photo identification issued by his or her home country, including a driver's license, passport, or consular identification card, will be also accepted. The only exception is for the completion of federal I-9 forms.⁹³

B. EXCLUSION

All the policies discussed thus far ostensibly encourage immigration and contribute to a positive context of reception, but each Rust Belt city has also passed laws that can contribute to a negative context of reception and be considered exclusionary. While none of these policies were created recently (most were passed in the 1960s and 1970s), and while none of these cities have codified backdoor enforcement policies or signed 287(g) MOAs, they have policies in place that can make life difficult for immigrants.⁹⁴ These policies fall into two categories. The first has to do with the provision of services, specifically, policies limiting participation in Business Enterprise programs based on an immigrant's legal status. Business Enterprise programs are meant to support certain classes of businesses so that they can compete for and receive government contracts. Such classes include small businesses (Small Business Enterprises, or SBEs), women-owned businesses (Women's Business Enterprises, or WBEs), and minority-owned businesses (Minority Business Enterprises, or MBEs). In Cincinnati and Syracuse, the MBE and WBE programs are restricted to U.S. citizens or lawfully admitted permanent residents.⁹⁵ Milwaukee's policy is more restrictive; its SBE is open only to U.S. citizens.⁹⁶

The second type of restrictive policy makes employment contingent on English language proficiency or citizenship. This policy prevents non-citizens and individuals with limited English proficiency from receiving certification to work in certain jobs. These restrictions, which exist in every city, cover everything from fireworks operators⁹⁷ to licensed plumbers⁹⁸ and billiards hall operators.⁹⁹

91. Chicago houses the Midwestern consulates of many countries, so this policy has the potential to protect the majority of the foreign-born visitors and residents of Chicago, should all the countries provide identification cards, though that is not necessarily always the case. See CHOOSE CHICAGO, FOREIGN CONSULATES LIST, https://assets.simpleviewinc.com/simpleview/image/upload/v1/clients/choosechicago/Chicago_Consulates_111ade23-6cec-4092-b033-5006624cf936.pdf (last visited June 2, 2019).

92. CHI., ILL., MUN. CODE § 2-160-065 (2017).

93. *Id.* § 2-173-040b (2012).

94. CAPPS ET AL., *supra* note 41.

95. CINCINNATI, OHIO, CODE OF ORDINANCES § 324; SYRACUSE., N.Y., CODE OF ORDINANCES § 42 (2013).

96. MILWAUKEE, WIS., CODE OF ORDINANCES § 370-1 (2016); MILWAUKEE, WIS., CODE OF ORDINANCES § 370-25 (2013).

97. CINCINNATI, OHIO, CODE OF ORDINANCES §1213-17 (1987).

98. BUFFALO, N.Y., CHARTER § 491-2 (1974).

99. YOUNGSTOWN, OHIO, CODE OF ORDINANCES § 763.03 (1968).

V. CONCLUSION

Considered together, the number of policies that can actively encourage immigration far outstrip the number of restrictive policies, but it is not clear that these cities are welcoming as a result. While some of the active encouragement policies, like Detroit's and Chicago's "welcoming city" ordinances and noncooperation policies, are clearly beneficial and would ease integration, the most common policies are of dubious utility. The majority of the pro-immigrant policies simply uphold civil rights legislation or provide a framework for investigating civil rights abuses (e.g., Human Rights Commissions and Citizen Review Boards). This is not particularly unique; the vast majority of cities have anti-discrimination ordinances, and most contain protections based on national origin. While not having these policies could discourage immigration, there is no reason to expect that having anti-discrimination policies would encourage it, especially since most cities have identical policies. Furthermore, it is not clear that anti-discrimination policies actually work. It is well-established that racial bias in housing¹⁰⁰ and employment¹⁰¹ still exist, despite laws prohibiting them. Such laws have good intentions, but ultimately do not change reality as much as other policies might. Policies discouraging discrimination against immigrants are important, but it is unlikely that such policies would significantly alter the local context of reception independent of other pro-immigrant measures, and likely have little effect on immigrants' day-to-day lives.

This is not to say that Rust Belt cities are only passing ineffective pro-immigrant policies. As mentioned above, Chicago's and Detroit's "welcoming city" ordinances and noncooperation policies are beneficial. Chicago's alternative identification policy is also helpful, as it makes moving through the community and accessing services easier and safer for immigrants. Detroit's voting provision is also a potentially useful policy. Allowing non-citizens to vote can help with integration, as voting draws immigrants into the local community. The policies in Chicago, Buffalo, and Syracuse that provide language accommodations and employment services to people who are not fluent in English could also improve the immigration experience, as the ability to access services and find jobs are clearly essential to successful integration. Taken together, these policies suggest that Rust Belt cities have taken some steps that may contribute to a positive context of reception, although there is much more that could be done.

At the same time, these cities have numerous exclusionary policies that could hamper immigrants' economic incorporation by precluding them from certain jobs. This is particularly true of work restrictions based on language proficiency. For example, several cities restrict taxicab operators licenses to those who at least speak English fluently.¹⁰² This seems like a reasonable

100. See, e.g., Douglas S. Massey, *Residential Segregation Is the Linchpin of Racial Stratification*, 15 CITY & COMMUNITY 4, 4–7 (2016).

101. See, e.g., Devah Pager, *The Mark of a Criminal Record*, 108 AM. J. SOC. 937, 960–62 (2003).

102. The following cities restrict taxi cab licenses based on citizenship or language proficiency: CHI., ILL., MUN. CODE § 9-112-100 (2013); CINCINNATI, OHIO, CODE OF ORDINANCES § 408-1 (2009); CLEVELAND, OHIO, CODE OF ORDINANCES § 443.13 (1978); DAYTON, OHIO, CODE OF ORDINANCES §

restriction in cities where the majority of the potential customers speak English; it could be quite chaotic if passengers and taxi drivers could not communicate. However, many of these cities place restrictions on employment beyond what could reasonably help consumers. Requiring that taxi drivers be able to write in English, for example, is perhaps unnecessarily restrictive. Restricting licensure to citizens also has limited utility as a consumer protection. Such policies thus seem more exclusionary and could have a negative effect on the context of reception.

Additionally, these policies run counter to the goals of immigrant-driven revitalization strategies, which emphasize how immigrants can help the local economy. First, many of the licenses with citizenship or language restrictions are for businesses with low overhead, which are likely easier for new business owners to start.¹⁰³ Keeping non-citizens from operating such businesses could hamper their ability to start bigger businesses in the future. It could also discourage immigration, especially if other cities do not have the same restrictions.

The restrictions on SBE participation could also have a similar effect. While immigrants are unlikely to choose their destination based on access to an SBE, being able to participate in one after they arrive could make a big difference in whether or not their business is successful. Having an SBE program that supports immigrant business owners could help in revitalization efforts, while excluding immigrants from the program could provide an unnecessary barrier to their success.

By keeping old laws, most of which were passed before 1980, that restrict employment on the basis of naturalization status, citizenship, or language proficiency, these cities maintain barriers to economic assimilation and success. Given that one of the goals of immigrant-driven revitalization is economic development, these cities are potentially sabotaging their renewal efforts by maintaining these policies. Despite this, it is also possible that these policies have a negligible effect in the context of reception. Given the pervasiveness of these policies in Rust Belt cities, it seems likely that such policies exist in many, if not most, other mid-sized to large cities. If that is the case, these exclusionary policies do nothing more to distinguish the context of reception in these areas than do anti-discrimination policies. The fact that these policies run counter to the goals of immigrant-driven revitalization, however, suggests that the policies could still be holding these cities back.

115.35 (2014); DETROIT, MICH., CODE OF ORDINANCES, § 58-2-62 (1995); GARY, IND., CODE OF ORDINANCES, § 46-133 (1989); MILWAUKEE, WIS., CODE OF ORDINANCES § 81-44.7 (2018); MILWAUKEE, WIS., CODE OF ORDINANCES § 100-54 (2016); MILWAUKEE, WIS., CODE OF ORDINANCES § 100-56 (2014); ROCHESTER, N.Y., CODE ch. 108, art. II, § 108-3 (2006); ROCHESTER, N.Y., MUN. CODE § 108-18 (2006); S. BEND, IND., CODE OF ORDINANCES § 4-61 (2018); YOUNGSTOWN, OHIO, CODE OF ORDINANCES § 785.25 (1995).

103. Examples of citizenship or language restrictions for businesses with low overhead include Buffalo and Syracuse's restriction of newsstand operator licenses, BUFFALO, N.Y., CHARTER § 289-3 (2003); SYRACUSE, N.Y., CODE OF ORDINANCES § 9.48 (2018); and Youngstown's restrictions on running junkyards, YOUNGSTOWN, OHIO, CODE OF ORDINANCES § 747.05 (1995) and soft-drink businesses, YOUNGSTOWN, OHIO, CODE OF ORDINANCES § 777.03 (1995). Additionally, most, if not all, of the cities that have restrictions on taxicabs also have restrictions on pedicabs.

If we accept that most of these cities do little to alter the context of reception through formal, codified immigration policymaking, it becomes clear that they are taking a passive approach to local immigration policymaking. Indeed, of the sixteen cities in this analysis, five—Cincinnati, Cleveland, Gary, Rochester, and South Bend—have made no immigration policies that distinguish themselves from other Rust Belt cities in any way, but rather only have policies that all other Rust Belt cities have. Another six—Akron, Dayton, Flint, Pittsburgh, St. Louis, and Youngstown—have only distinguished themselves by establishing Human Relations Commissions or Citizen Review Boards. Only two—Detroit and Chicago—have passed pro-immigrant legislation in the era of immigrant-driven revitalization strategies. Thus, eleven of the sixteen cities have done little to change their context of reception through legislation, and fourteen of the sixteen have done nothing to support immigrant-driven revitalization strategies through legal changes. This includes cities that have government-sponsored immigrant-driven revitalization strategies, like Dayton and Cincinnati.

Of the five Rust Belt cities that have additional pro-immigrant policies—regardless of when they created them—two have extra language accommodations that could actually contribute to a positive context of reception. Although these cities could do more, the language accommodations in Buffalo and Syracuse that open government services to non-English speakers are a step in the right direction. In addition to being explicitly pro-immigrant, this policy also supports the economic goals of immigrant-driven revitalization strategies and could benefit other cities pursuing such strategies.

The final two cities, Chicago and Detroit, have actually passed several laws that could actively encourage immigration. Since 2010, both Chicago and Detroit made changes to their municipal codes that provide support to immigrants, whether it is by limiting immigration enforcement, providing language support, expanding voting rights, or providing for alternative identification. Although both cities still have exclusionary policies, like those limiting employment, the impact of their new pro-immigrant policies likely outweigh them. If other Rust Belt cities want to create a positive context of reception, it would behoove them to follow Chicago's and Detroit's example.

As it stands, the existing laws and general inaction of Rust Belt cities may undermine any immigrant-driven renewal strategies they pursue. The success of these strategies depends on the cities creating a welcoming environment and positive context of reception. Without creating pro-immigrant policies and laws, these cities cannot create the type of environment that will encourage immigrant settlement and integration. This is a significant obstacle, but one that cities can easily overcome by passing more policies that benefit immigrants.

