The Politics of Immigration

The Politics of Immigration

Tom Wong

OXFORD
UNIVERSITY PRESS

OXFORD
UNIVERSITY PRESS

Oxford University Press is a department of the University of Oxford. It furthers the University's objective of excellence in research, scholarship, and education by publishing worldwide. Oxford is a registered trade mark of Oxford University Press in the UK and certain other countries.

Published in the United States of America by Oxford University Press
198 Madison Avenue, New York, NY 10016, United States of America.

Library of Congress Cataloging-in-Publication Data
[To Come]
ISBN 978–0–19–023530–7 (Hardback)
ISBN 978–0–19–023531–4 (Paperback)

9 8 7 6 5 4 3 2 1
Printed by Bridgeport National Bindery, Inc., United States of America

CONTENTS

CHAPTER 3

The Determinants of Immigration Policymaking in the United States

Having detailed the components of comprehensive immigration reform, we turn in this chapter to the empirical analysis of the contemporary politics of immigration in the United States. Just after the reelection of President Barack Obama in November 2012, a number of prominent Republicans ranging from members of Congress to conservative media personalities pointed to the lack of support for the GOP among non-White voters as a decisive, if not the decisive, factor in the election. According to the National Exit Pool exit poll, a consortium of ABC News, the Associated Press, CBS News, CNN, Fox News, and NBC News, 71 percent of Hispanics/Latinos, 73 percent of Asians, and 93 percent of African Americans voted for President Obama.[1] This immediate election post mortem turned into calls by Republican lawmakers to work toward a bipartisan agreement on comprehensive immigration reform. For example, then-Republican House Speaker John Boehner stated just two day after the election, "While I believe it is important for us to secure our borders and to enforce our laws, I think a comprehensive approach is long overdue, and I'm confident that the President, myself, and others, can find the common ground to take care of this issue once and for all."[2] Despite the confidence of the Speaker, whereas the Senate did in fact vote on and pass a comprehensive immigration reform bill in 2013 (S. 744), the House did not.[3] The failure to pass comprehensive immigration reform during the 113th Congress is consistent with the argument of this book that immigration politics in the post-H.R. 4437 period is explained by the entrenchment of partisan divides on the issue of immigration, demographic changes that are reshaping the American electorate, and how these factors combine and collide with the inviolability of American national identity. The purpose of this chapter is to breathe life into this argument using the available empirical evidence.

Why do legislators vote the way that they do when it comes to the issue of immigration? I answer this question by analyzing legislative voting behavior on immigration policy in both the House and the Senate.[4] A total of 24,208 votes in the House and 6,985 votes in the Senate are rigorously analyzed to test these arguments. While the analyses focus mostly on the post-H.R. 4437 period from 2005 to the present, the trends identified here are also used to simulate outcomes on past votes that led to major immigration policy changes in the United States. For example, would the last large-scale legalization of undocumented immigrants that occurred under the Immigration Reform and Control Act of 1986 have passed given the current political climate around immigration? How about the expansion of legal admissions policies under the Immigration Act of 1990? The trends identified in the analyses are also used to simulate outcomes on prospective votes in the near future using Census projections of the changing demographic landscape of the United States. In other words, how does the prospect of comprehensive immigration reform change as America becomes increasingly diverse? I begin by describing the data analyzed and the design of the research before moving to the analyses.[5] The first set of analyses focuses on restrictive immigration-related legislation in the House. After analyzing all votes on restrictive immigration-related legislation, I then disaggregate the components of comprehensive immigration reform and separately analyze restrictive legal admissions, border security, interior immigration enforcement, and immigrant integration policies. These steps are then repeated for permissive immigration-related legislation in the House. Senate votes are then analyzed in a similarly rigorous way.

The research reported here represents the most extensive to date on the contemporary politics of comprehensive immigration reform and makes several contributions to the existing literature. Scholars have spent at least the past few decades theorizing and analyzing the politics of immigration.[6] By focusing on the electoral incentives that legislators have to support or oppose immigration policy reforms, and by building on existing theories of immigration policymaking in the United States, the arguments presented here provide a parsimonious explanation for why our immigration policies are the way they are. Moreover, not only are thousands of roll call votes on hundreds of pieces of legislation analyzed, but I also disaggregate and separately analyze the discrete components of comprehensive immigration reform and further distinguish between restrictive and permissive legislation. This is done for both the House and the Senate. These, I argue, are necessary steps toward improving our understanding of both the politics and the determinants of immigration policymaking in the United States. As political scientist Jeanette Money notes, the discrete components of immigration policy may very well be explained by distinct factors and behavioral logics.[7] In terms of operationalization, meaning how I measure the concepts that are being tested, because I focus

the theoretical lens on emerging electoral dynamics that are undergirded by immigration and demographic change, I distinguish between, and separately analyze, the naturalized citizen and foreign-born noncitizen components of the total foreign-born population. Indeed, as described earlier, if the causal mechanism that connects immigration and demographic change to legislative voting behavior is an electoral one, disaggregating the total foreign-born population in this way provides an opportunity to evaluate the counterfactual. More specifically, if the analyses show that immigrants as voters affect the electoral calculus of legislators, which leads to predictable patterns of voting on immigration-related legislation, immigrants as non-voters should not. If the data show that large foreign-born noncitizen populations do, in fact, affect voting on immigration-related legislation in the same way that the large naturalized citizen populations do, this would undermine the electoral mechanism. Whereas other studies include the size of the foreign-born population in models of immigration policymaking, no other study that I am aware of has empirically tested the electoral mechanism described here alongside its counterfactual. Moreover, my focus on the components of the total foreign-born population departs from existing studies that examine the influence that particular racial and ethnic groups have, particularly Hispanics/Latinos, on immigration policymaking. Though instructive, such an approach overlooks the fact that the Census category of Hispanic/Latino includes naturalized citizens, foreign-born noncitizens, as well as people born in the United States who trace their roots back several generations in the United States (e.g., multi-generation Hispanics/Latinos in California, Texas, and other parts of the Southwest), which results in substantial within-group heterogeneity when it comes to migratory histories and experiences.[8] The analyses also test important interaction effects, particularly between partisanship and the components of the foreign-born population, which other studies tend to neglect. Moreover, so as not to "stack the deck," I empirically test the political arguments presented here against rival factor-proportions economic models.

3.1 DATA AND METHODS

Following the series of arguments that explain the contemporary politics of comprehensive immigration reform in the United States detailed in Chapter 1, this section describes the data and methods used to empirically test these arguments. In terms of the data used in the analyses, I begin by discussing the dependent variable, meaning the outcome being analyzed. How a legislator votes on immigration-related legislation constitutes the dependent variable, in other words, does the legislator vote "yea" or "nay." In terms of the legislation analyzed, all immigration-related legislation voted on in Congress from H.R.

4437 to the present, including final passage votes, votes on amendments, and votes on motions and resolutions, is included in the analyses. When it comes to motions in the House, only motions to recommit a bill without instructions are analyzed. A motion to recommit without instructions is a procedural tactic used to block or delay a vote on the final passage of a bill by sending it back to committee. For resolutions in the House, only resolutions that set the rules for debate on immigration-related legislation are analyzed. For cloture votes in the Senate, only the cloture vote that immediately precedes a final passage vote is analyzed. Of course, the analyses conducted here can, and do, take into account the different types of legislation being analyzed. Immigration-related legislation was obtained using keyword searches in CONGRESS.gov, the Library of Congress database. The keywords, "immigration," "immigrant(s)," "alien(s)," "refugee(s)," "visa(s)," "border security," "immigration enforcement," "E-Verify," "employer sanctions," "citizenship," and "deferred action" returned thousands of results, most of which did not directly relate to immigration (e.g., the Safe Chemicals Act of 2011). Qualitative assessments were thus made about the appropriateness of the inclusion of every search hit. The resulting legislation was then categorized as relating to legal admissions, border security, interior immigration enforcement, or immigrant integration. The legislation was further coded as either restrictive or permissive. Restrictive immigration-related legislation is defined as policy that more strictly regulates immigrant or nonimmigrant admissions, reinforces or expands on existing immigration control efforts by enhancing external border security or interior immigration enforcement, or legislation requiring more stringent citizenship, residency, or other requirements for matters relating to immigrant integration, including efforts to restrict certain categories of immigrants from social services or other public benefits, as well as efforts to limit the ability of undocumented immigrants to adjust their immigration status. Permissive immigration-related legislation is defined as policy that eases restrictions on immigrant or nonimmigrant admissions, contracts or adds oversight to external border security or interior immigration enforcement efforts, or facilitates immigrant integration, including expanding the access that certain categories of immigrants have to social services or other public benefits, citizenship acquisition, or efforts to provide legal immigration status to undocumented immigrants. A large team of research assistants independently applied these coding procedures. At least two research assistants were assigned to each piece of legislation for the purposes of inter-coder reliability.[9] Last, lopsided votes (e.g., 422 yea votes to 0 nay votes), as well as legislation passed via voice vote, are excluded from the analyses.

Altogether, 24,208 votes cast by 746 distinct legislators are analyzed in the House and 6,985 votes cast by 159 distinct legislators are analyzed in the Senate.[10] Table 3.1 summarizes the legislation analyzed. In the House, nine

Table 3.1

Chamber	Year	Congress	Bill Name	Category	Valence	Outcome	Yea	Nay	Vote #	Passage	Amdt	Res	Motion
House	2005	109	Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005	Interior Immigration Enforcement	Restrictive	Passed	239	182	661	Yes			
House	2005	109	Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005	Interior Immigration Enforcement	Permissive	Failed	162	252	639		Yes		
House	2005	109	Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005	Border Security	Restrictive	Passed	260	159	640		Yes		
House	2005	109	Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005	Legal Admissions	Restrictive	Passed	273	148	653		Yes		
House	2005	109	Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005	Interior Immigration Enforcement	Permissive	Failed	164	257	655		Yes		
House	2005	109	Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005	Interior Immigration Enforcement	Restrictive	Passed	237	180	656		Yes		

House	2005	109	Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005	Interior Immigration Enforcement	Permissive	Passed	247	170	657	Yes		
House	2005	109	Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005	Interior Immigration Enforcement	Restrictive	Failed	87	332	658	Yes		
House	2005	109	Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005	Interior Immigration Enforcement	Restrictive	Failed	163	251	659	Yes		
House	2005	109	Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005	Interior Immigration Enforcement	Permissive	Failed	198	221	660			Yes
House	2005	109	H.Res.610—Providing for consideration of the bill (H.R. 4437) to amend the Immigration and Nationality Act to strengthen enforcement of the immigration laws, to enhance border security, and for other purposes	Interior Immigration Enforcement	Restrictive	Passed	220	206	636		Yes	

(*continued*)

Table 3.1 CONTINUED

Chamber	Year	Congress	Bill Name	Category	Valence	Outcome	Yea	Nay	Vote #	Passage	Amdt	Res	Motion
House	2005	109	Providing for further consideration of the bill (H.R. 4437) to amend the Immigration and Nationality Act to strengthen enforcement of the immigration laws, to enhance border security, and for other purposes	Interior Immigration Enforcement	Restrictive	Passed	216	203	646			Yes	
House	2006	109	Community Protection Act of 2006	Interior Immigration Enforcement	Restrictive	Passed	328	95	465	Yes			
House	2006	109	Department of Homeland Security Appropriations Act, 2007	Interior Immigration Enforcement	Permissive	Failed	200	220	219		Yes		
House	2006	109	Department of Homeland Security Appropriations Act, 2007	Interior Immigration Enforcement	Restrictive	Passed	358	63	220		Yes		

House	2006	109	Department of Homeland Security Appropriations Act, 2007	Legal Admissions	Restrictive	Failed	134	284	222		Yes			
House	2006	109	Department of Homeland Security Appropriations Act, 2007	Interior Immigration Enforcement	Restrictive	Passed	218	179	223		Yes			
House	2006	109	Federal Election Integrity Act of 2006	Immigrant Integration	Restrictive	Passed	228	196	459	Yes				
House	2006	109	Federal Election Integrity Act of 2006	Immigrant Integration	Permissive	Failed	196	225	458				Yes	
House	2006	109	Immigration Law Enforcement Act of 2006	Interior Immigration Enforcement	Restrictive	Passed	277	140	468	Yes				
House	2006	109	Providing for consideration of the bill (H.R. 4830) to amend chapter 27 of title 18, United States Code, to prohibit the unauthorized construction, financing, or reckless permitting (on one's land. . .	Interior Immigration Enforcement	Restrictive	Passed	227	195	462			Yes		

(*continued*)

Table 3.1 CONTINUED

Chamber	Year	Congress	Bill Name	Category	Valence	Outcome	Yea	Nay	Vote #	Passage	Amdt	Res	Motion
House	2006	109	Secure Fence Act of 2006	Border Security	Restrictive	Passed	238	138	446	Yes			
House	2006	109	Secure Fence Act of 2006	Border Security	Permissive	Failed	193	224	445				Yes
House	2009	111	Department of Homeland Security Appropriations Act, 2010	Border Security	Restrictive	Passed	375	55	436		Yes		
House	2009	111	Department of Homeland Security Appropriations Act, 2010	Border Security	Restrictive	Passed	240	187	439		Yes		
House	2009	111	Department of Homeland Security Appropriations Act, 2010	Interior Immigration Enforcement	Restrictive	Passed	349	84	442		Yes		
House	2010	111	Removal Clarification Act of 2010	Immigrant Integration	Permissive	Passed	216	198	625	Yes			
House	2011	112	Fairness for High-Skilled Immigrants Act of 2011	Legal Admissions	Permissive	Passed	389	15	860	Yes			
House	2011	112	To amend the Immigration and Nationality Act to modify the requirements for admission of . . .	Legal Admissions	Permissive	Passed	407	17	685	Yes			

House	2012	112	Department of Homeland Security Appropriations Act, 2013	Interior Immigration Enforcement	Permissive	Failed	154	260	345	Yes
House	2012	112	Department of Homeland Security Appropriations Act, 2013	Interior Immigration Enforcement	Permissive	Failed	159	254	349	Yes
House	2012	112	Department of Homeland Security Appropriations Act, 2013	Border Security	Restrictive	Failed	156	261	350	Yes
House	2012	112	Department of Homeland Security Appropriations Act, 2013	Border Security	Restrictive	Passed	302	113	352	Yes
House	2012	112	Department of Homeland Security Appropriations Act, 2013	Border Security	Restrictive	Passed	230	166	353	Yes
House	2012	112	Department of Homeland Security Appropriations Act, 2013	Interior Immigration Enforcement	Permissive	Failed	167	249	354	Yes

(*continued*)

Table 3.1 CONTINUED

Chamber	Year	Congress	Bill Name	Category	Valence	Outcome	Yea	Nay	Vote #	Passage	Amdt	Res	Motion
House	2012	112	Department of Homeland Security Appropriations Act, 2013	Immigrant Integration	Restrictive	Passed	224	189	362		Yes		
House	2012	112	Department of Homeland Security Appropriations Act, 2013	Interior Immigration Enforcement	Restrictive	Passed	238	175	363		Yes		
House	2012	112	Department of Homeland Security Appropriations Act, 2013	Interior Immigration Enforcement	Restrictive	Passed	250	164	366		Yes		
House	2012	112	Department of Homeland Security Appropriations Act, 2013	Interior Immigration Enforcement	Permissive	Failed	99	316	368		Yes		
House	2012	112	H.R. 6429 (112th): STEM Jobs Act of 2012	Legal Admissions	Restrictive	Passed	245	139	613	Yes			
House	2012	112	H.Res. 821 (112th): Providing for consideration of the bill (H.R. 6429) to amend the Immigration and Nationality Act to . . .	Legal Admissions	Restrictive	Passed	243	170	611			Yes	

House	2012	112	On Motion to Recommit with Instructions: H R 4970 To reauthorize the Violence against Women Act of 1994	Legal Admissions	Permissive	Failed	187	236	257			Yes
House	2012	112	On Motion to Recommit with Instructions: H R 6429 To amend the Immigration and Nationality Act to promote innovation	Legal Admissions	Permissive	Failed	157	231	612			Yes
House	2012	112	Securing Maritime Activities through Risk-based Targeting for Port Security Act	Border Security	Restrictive	Passed	402	21	438	Yes		
House	2012	112	Violence against Women Reauthorization Act of 2012	Legal Admissions	Restrictive	Passed	222	205	258	Yes		
House	2013	113	Department of Homeland Security Appropriations Act, 2015	Interior Immigration Enforcement	Permissive	Failed	167	257	194		Yes	

(*continued*)

Table 3.1 CONTINUED

Chamber	Year	Congress	Bill Name	Category	Valence	Outcome	Yea	Nay	Vote #	Passage	Amdt	Res	Motion
House	2013	113	Department of Homeland Security Appropriations Act, 2015	Interior Immigration Enforcement	Permissive	Failed	180	245	195		Yes		
House	2013	113	Department of Homeland Security Appropriations Act, 2015	Interior Immigration Enforcement	Permissive	Failed	186	236	197		Yes		
House	2013	113	Department of Homeland Security Appropriations Act, 2015	Interior Immigration Enforcement	Permissive	Failed	190	232	198		Yes		
House	2013	113	Department of Homeland Security Appropriations Act, 2015	Interior Immigration Enforcement	Restrictive	Passed	224	201	208		Yes		
House	2013	113	H.J.Res. 79 (113th): Border Security and Enforcement Continuing Appropriations Resolution	Border Security	Restrictive	Passed	249	175	540			Yes	

House	2014	113	H.R. 5272 (113th): To prohibit certain actions with respect to deferred action for aliens not lawfully present in the United . . .	Immigrant Integration	Restrictive	Passed	216	192	479	Yes		
House	2014	113	Making supplemental appropriations for the fiscal year ending September 30	Border Security	Restrictive	Passed	223	189	478	Yes		
House	2014	113	Preventing Executive Overreach on Immigration Act of 2014	Immigrant Integration	Restrictive	Passed	219	197	550	Yes		
House	2014	113	Providing for consideration of the bill (H.R. 5230) making supplemental appropriations for the fiscal year ending September . . .	Immigrant Integration	Restrictive	Passed	218	191	477		Yes	

(*continued*)

Table 3.1 CONTINUED

Chamber	Year	Congress	Bill Name	Category	Valence	Outcome	Yea	Nay	Vote #	Passage	Amdt	Res	Motion
House	2014	113	Waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported . . .	Border Security	Restrictive	Passed	219	190	475			Yes	
Senate	2006	109	Comprehensive Immigration Reform Act of 2006	Comprehensive Immigration Reform	Not Applicable	Passed	62	36	157	Yes			
Senate	2006	109	Comprehensive Immigration Reform Act of 2006	Immigrant Integration	Restrictive	Failed	40	55	121		Yes		
Senate	2006	109	Comprehensive Immigration Reform Act of 2006	Legal Admissions	Restrictive	Passed	79	16	122		Yes		
Senate	2006	109	Comprehensive Immigration Reform Act of 2006	Legal Admissions	Permissive	Passed	69	28	123		Yes		
Senate	2006	109	Comprehensive Immigration Reform Act of 2006	Border Security	Restrictive	Passed	83	16	126		Yes		
Senate	2006	109	Comprehensive Immigration Reform Act of 2006	Immigrant Integration	Restrictive	Failed	33	66	127		Yes		

Senate	2006	109	Comprehensive Immigration Reform Act of 2006	Legal Admissions	Restrictive	Passed	50	48	128	Yes
Senate	2006	109	Comprehensive Immigration Reform Act of 2006	Legal Admissions	Restrictive	Passed	56	43	129	Yes
Senate	2006	109	Comprehensive Immigration Reform Act of 2006	Immigrant Integration	Permissive	Passed	50	49	130	Yes
Senate	2006	109	Comprehensive Immigration Reform Act of 2006	Immigrant Integration	Restrictive	Passed	62	35	131	Yes
Senate	2006	109	Comprehensive Immigration Reform Act of 2006	Immigrant Integration	Permissive	Passed	58	39	132	Yes
Senate	2006	109	Comprehensive Immigration Reform Act of 2006	Immigrant Integration	Permissive	Failed	43	52	133	Yes
Senate	2006	109	Comprehensive Immigration Reform Act of 2006	Immigrant Integration	Permissive	Passed	58	35	135	Yes
Senate	2006	109	Comprehensive Immigration Reform Act of 2006	Legal Admissions	Permissive	Passed	50	43	136	Yes
Senate	2006	109	Comprehensive Immigration Reform Act of 2006	Border Security	Restrictive	Passed	83	10	137	Yes

(*continued*)

Table 3.1 CONTINUED

Chamber	Year	Congress	Bill Name	Category	Valence	Outcome	Yea	Nay	Vote #	Passage	Amdt	Res	Motion
Senate	2006	109	Comprehensive Immigration Reform Act of 2006	Immigrant Integration	Permissive	Failed	37	61	138		Yes		
Senate	2006	109	Comprehensive Immigration Reform Act of 2006	Legal Admissions	Restrictive	Passed	79	19	139		Yes		
Senate	2006	109	Comprehensive Immigration Reform Act of 2006	Interior Immigration Enforcement	Permissive	Passed	59	39	140		Yes		
Senate	2006	109	Comprehensive Immigration Reform Act of 2006	Immigrant Integration	Restrictive	Passed	57	40	141		Yes		
Senate	2006	109	Comprehensive Immigration Reform Act of 2006	Interior Immigration Enforcement	Restrictive	Passed	63	34	142		Yes		
Senate	2006	109	Comprehensive Immigration Reform Act of 2006	Immigrant Integration	Restrictive	Passed	73	25	146		Yes		
Senate	2006	109	Comprehensive Immigration Reform Act of 2006	Legal Admissions	Restrictive	Passed	56	42	147		Yes		
Senate	2006	109	Comprehensive Immigration Reform Act of 2006	Legal Admissions	Permissive	Failed	31	67	148		Yes		

Senate	2006	109	Comprehensive Immigration Reform Act of 2006	Immigrant Integration	Permissive	Passed	62	35	149	Yes
Senate	2006	109	Comprehensive Immigration Reform Act of 2006	Legal Admissions	Restrictive	Failed	48	49	150	Yes
Senate	2006	109	Comprehensive Immigration Reform Act of 2006	Immigrant Integration	Restrictive	Failed	49	49	151	Yes
Senate	2006	109	Comprehensive Immigration Reform Act of 2006	Legal Admissions	Restrictive	Passed	51	47	152	Yes
Senate	2006	109	Comprehensive Immigration Reform Act of 2006	Interior Immigration Enforcement	Permissive	Passed	52	45	153	Yes
Senate	2006	109	Comprehensive Immigration Reform Act of 2006	Immigrant Integration	Restrictive	Failed	37	60	154	Yes
Senate	2006	109	Comprehensive Immigration Reform Act of 2006	Immigrant Integration	Restrictive	Passed	50	47	155	Yes
Senate	2006	109	Comprehensive Immigration Reform Act of 2006	Comprehensive Immigration Reform	Not Applicable	Passed	56	41	156	Yes

(*continued*)

Table 3.1 CONTINUED

Chamber	Year	Congress	Bill Name	Category	Valence	Outcome	Yea	Nay	Vote #	Passage	Amdt	Res	Motion
Senate	2006	109	Comprehensive Immigration Reform Act of 2006	Comprehensive Immigration Reform	Not Applicable	Passed	73	25	144				Yes
Senate	2006	109	Securing America's Borders Act	Border Security	Restrictive	Passed	84	6	84		Yes		
Senate	2006	109	Securing America's Borders Act	Border Security	Restrictive	Failed	36	62	90				Yes
Senate	2007	110	A bill to provide for comprehensive immigration reform and for other purposes	Comprehensive Immigration Reform	Not Applicable	Failed	46	53	235				Yes
Senate	2007	110	Comprehensive Immigration Reform Act of 2007	Legal Admissions	Restrictive	Failed	31	64	174		Yes		
Senate	2007	110	Comprehensive Immigration Reform Act of 2007	Legal Admissions	Restrictive	Passed	74	24	175		Yes		
Senate	2007	110	Comprehensive Immigration Reform Act of 2007	Interior Immigration Enforcement	Restrictive	Failed	48	49	177		Yes		
Senate	2007	110	Comprehensive Immigration Reform Act of 2007	Legal Admissions	Restrictive	Failed	48	49	178		Yes		

Senate	2007	110	Comprehensive Immigration Reform Act of 2007	Immigrant Integration	Restrictive	Failed	29	66	180	Yes
Senate	2007	110	Comprehensive Immigration Reform Act of 2007	Immigrant Integration	Restrictive	Failed	31	62	182	Yes
Senate	2007	110	Comprehensive Immigration Reform Act of 2007	Legal Admissions	Restrictive	Passed	71	22	183	Yes
Senate	2007	110	Comprehensive Immigration Reform Act of 2007	Interior Immigration Enforcement	Restrictive	Passed	66	32	186	Yes
Senate	2007	110	Comprehensive Immigration Reform Act of 2007	Legal Admissions	Restrictive	Failed	48	51	187	Yes
Senate	2007	110	Comprehensive Immigration Reform Act of 2007	Immigrant Integration	Restrictive	Failed	43	55	188	Yes
Senate	2007	110	Comprehensive Immigration Reform Act of 2007	Legal Admissions	Permissive	Failed	41	57	189	Yes
Senate	2007	110	Comprehensive Immigration Reform Act of 2007	Immigrant Integration	Restrictive	Passed	57	39	190	Yes
Senate	2007	110	Comprehensive Immigration Reform Act of 2007	Immigrant Integration	Permissive	Passed	57	40	191	Yes

(*continued*)

Table 3.1 CONTINUED

Chamber	Year	Congress	Bill Name	Category	Valence	Outcome	Yea	Nay	Vote #	Passage	Amdt	Res	Motion
Senate	2007	110	Comprehensive Immigration Reform Act of 2007	Immigrant Integration	Restrictive	Passed	56	41	192		Yes		
Senate	2007	110	Comprehensive Immigration Reform Act of 2007	Immigrant Integration	Restrictive	Passed	64	33	198		Yes		
Senate	2007	110	Comprehensive Immigration Reform Act of 2007	Immigrant Integration	Restrictive	Failed	48	49	199		Yes		
Senate	2007	110	Comprehensive Immigration Reform Act of 2007	Legal Admissions	Restrictive	Failed	42	55	200		Yes		
Senate	2007	110	Comprehensive Immigration Reform Act of 2007	Legal Admissions	Restrictive	Failed	49	48	201		Yes		
Senate	2007	110	Comprehensive Immigration Reform Act of 2007	Immigrant Integration	Restrictive	Failed	42	54	202		Yes		
Senate	2007	110	Comprehensive Immigration Reform Act of 2007	Comprehensive Immigration Reform	Not Applicable	Failed	34	61	204				Yes
Senate	2007	110	DREAM Act of 2007	Immigrant Integration	Permissive	Failed	52	44	394				Yes
Senate	2010	111	DREAM Act of 2010	Immigrant Integration	Restrictive	Passed	59	40	268				Yes

Senate	2012	112	Violence against Women Reauthorization Act of 2012	Legal Admissions	Permissive	Passed	68	31	87	Yes	
Senate	2012	112	Violence against Women Reauthorization Act of 2012	Legal Admissions	Restrictive	Failed	37	62	86		Yes
Senate	2013	113	Border Security, Economic Opportunity, and Immigration Modernization Act	Comprehensive Immigration Reform	Not Applicable	Passed	68	32	168	Yes	
Senate	2013	113	Border Security, Economic Opportunity, and Immigration Modernization Act	Immigrant Integration	Permissive	Passed	57	43	148		Yes
Senate	2013	113	Border Security, Economic Opportunity, and Immigration Modernization Act	Immigrant Integration	Restrictive	Failed	39	54	151		Yes
Senate	2013	113	Border Security, Economic Opportunity, and Immigration Modernization Act	Immigrant Integration	Restrictive	Failed	36	58	152		Yes

(*continued*)

Table 3.1 CONTINUED

Chamber	Year	Congress	Bill Name	Category	Valence	Outcome	Yea	Nay	Vote #	Passage	Amdt	Res	Motion
Senate	2013	113	Border Security, Economic Opportunity, and Immigration Modernization Act	Legal Admissions	Permissive	Passed	61	37	154		Yes		
Senate	2013	113	Border Security, Economic Opportunity, and Immigration Modernization Act	Border Security	Permissive	Passed	72	26	155		Yes		
Senate	2013	113	Border Security, Economic Opportunity, and Immigration Modernization Act	Immigrant Integration	Restrictive	Failed	39	59	156		Yes		
Senate	2013	113	Border Security, Economic Opportunity, and Immigration Modernization Act	Border Security	Permissive	Passed	89	9	157		Yes		

Senate	2013	113	Border Security, Economic Opportunity, and Immigration Modernization Act	Immigrant Integration	Permissive	Passed	54	43	159		Yes		
Senate	2013	113	Border Security, Economic Opportunity, and Immigration Modernization Act	Border Security	Restrictive	Passed	69	29	163		Yes		
Senate	2013	113	Border Security, Economic Opportunity, and Immigration Modernization Act	Comprehensive Immigration Reform	Not Applicable	Passed	68	32	167				Yes
Senate	2013	113	Violence against Women Reauthorization Act of 2013	Legal Admissions	Permissive	Passed	78	22	19	Yes			
Senate	2013	113	Violence against Women Reauthorization Act of 2013	Interior Immigration Enforcement	Restrictive	Passed	93	5	15		Yes		

legal admissions, twelve border security, twenty-eight interior immigration enforcement, and seven pieces of legislation related to immigrant integration are analyzed. Thirty-six are coded as restrictive and twenty are coded as permissive. In the Senate, twenty-two legal admissions, seven border security, six interior immigration enforcement, and thirty pieces of legislation related to immigrant integration are analyzed. Whereas the House did not vote on a comprehensive immigration reform bill during the period analyzed, the Senate did. Seven additional votes on comprehensive immigration reform are also analyzed. Because comprehensive immigration reform legislation, by definition, combines the discrete categories of immigration policy into one major bill, these votes are analyzed separately and without a valence coding.

Using these data, I statistically model the following multivariate logistic regression equations:

$$(1)\ \Pr(Vote_{it} = 1|X_{it}) = \beta_0 + \beta_1 Partisanship_{it} + \beta_{2a} Foreign\ Born_{it} + \beta_{3a} Partisanship_{it} * Foreign\ Born_{it} + \beta_4' Controls_{it}$$

$$(2)\ \Pr(Vote_{it} = 1|X_{it}) = \beta_0 + \beta_1 Partisanship_{it} + \beta_{2b} Foreign\text{-}Born\ Citizen_{it} + \beta_{3b} Partisanship_{it} * Foreign\text{-}Born\ Citizen_{it} + \beta_4' Controls_{it}$$

$$(3)\ \Pr(Vote_{it} = 1|X_{it}) = \beta_0 + \beta_1 Partisanship_{it} + \beta_{2c} Foreign\text{-}Born\ Noncitizen_{it} + \beta_{3c} Partisanship_{it} * Foreign\text{-}Born\ Noncitizen_{it} + \beta_4' Controls_{it}$$

Vote represents a yea or nay vote on immigration-related legislation. The subscript *i* represents each legislator who cast a vote and the subscript *t* represents the year that the vote was cast. The term $\Pr(Vote_{it} = 1|X_{it})$ can thus be interpreted as the predicted probability that legislator *i* at time *t* votes yea on immigration-related legislation based on the variables on the right-hand side of the equation. *Partisanship* is the party affiliation of each legislator. In equation (1) *Foreign Born* is the foreign-born percentage of the total population in each political district and *Partisanship * Foreign Born* is the interaction between these two variables.[11] In equation (2) the *Foreign-Born Citizen* population in each political district is analyzed to empirically test the electoral mechanism. In equation (3), the *Foreign-Born Noncitizen* population in each political district is analyzed to empirically test the counterfactual. *Controls* is a vector of control variables. Specifically, *Skilled Labor*, meaning the percentage of the working-age population in a political district who have a bachelor's degree or higher, is included as a control variable to account for the factor-proportions logic of economic models of immigration policymaking, that is, to test the empirical hypothesis that pressure to support restrictive immigration-related legislation increases as

the percentage of less-skilled workers in a political district increases.[12] Moreover, because the data cover a decade-long period, models are also estimated that include year fixed effects. Fixed effects are important for determining the extent to which the main factors analyzed here affect voting on immigration-related legislation when accounting for unanticipated factors that are unique to any particular year or to any particular Congress.[13] Moreover, as state-level factors may also influence the voting behavior of members of Congress, separate models are also estimated using state fixed effects.[14]

The arguments presented here about the politics and determinants of immigration policymaking in the post-H.R. 4437 period stand up well against this empirical scrutiny. The analyses begin with restrictive immigration-related legislation. The data show that large foreign-born populations are statistically significantly related to decreased support for restrictive immigration policies, even among Republican legislators in some cases; this effect holds when analyzing the naturalized citizen population, which lends evidence to the electoral mechanism; and the foreign-born noncitizen population does not decrease support for restrictive immigration policies, which lends evidence to support the counterfactual.[15]

3.2 VOTING ON IMMIGRATION-RELATED LEGISLATION IN THE HOUSE

3.2.1 Analyzing Restrictive Immigration Policies in the House

Tables 3.2 report the results of the analyses of restrictive immigration-related legislation in the House. The models in Table 3.1 focus on the foreign-born percentage of the total population. The main models analyze all votes on restrictive immigration-related legislation. Other models then subset the legislation distinguishing between final passage votes, votes on amendments, and votes on motions and resolutions. Table 3.2 follows this same logic but focuses on the naturalized citizen population. Table 3.3 then analyzes the foreign-born noncitizen population. Table 3.4 then disaggregates comprehensive immigration reform into its component parts, separately analyzing restrictive legal admissions, border security, interior immigration enforcement, and immigrant integration policies. After analyzing all restrictive immigration-related legislation in the House, the next step is to examine whether the core trends identified hold when analyzing permissive immigration-related legislation.

Table 3.2

Model	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
rep	2.912***	3.171***	3.119***	2.879***	4.478***	4.973***	4.934***	4.596***	1.833***	2.092***	2.080***	1.796***	6.821***	8.383***	7.049***	7.537***
	(.113)	(.122)	(.118)	(.106)	(.231)	(.272)	(.268)	(.235)	(.112)	(.122)	(.120)	(.109)	(.439)	(.742)	(.488)	(.729)
fb	−.034***	−.034***	−.033***	−.038***	−.046***	−.046***	−.045***	−.049**	−.029***	−.028***	−.028***	−.031**	−.039***	−.049***	−.042***	−.049**
	(.004)	(.004)	(.004)	(.004)	(.006)	(.005)	(.005)	(.007)	(.004)	(.004)	(.004)	(.005)	(.016)	(.018)	(.016)	(.023)
rep*fb	.009	.006	.007	.009	−.024**	−.034***	−.034***	−.026**	.012	.009	.010	.011	.065*	.079**	.072**	.072*
	(.008)	(.003)	(.008)	(.007)	(.012)	(.012)	(.012)	(.011)	(.008)	(.009)	(.009)	(.007)	(.033)	(.037)	(.034)	(.042)
skill	−.007**	−.006*	−.007**	−.002	−.013	−.009	−.009	−.007	−.006*	−.006*	−.007**	−.002	−.005	−.016	−.014	−.000
	(.003)	(.003)	(.003)	(.003)	(.006)	(.006)	(.006)	(.006)	(.003)	(.003)	(.003)	(.003)	(.015)	(.017)	(.016)	(.017)
year		Yes				Yes				Yes				Yes		
congress			Yes				Yes				Yes				Yes	
State				Yes				Yes				Yes				Yes
cons	−.427***	.168**	−.718**	−.346*	−.100	−.884***	−.098	−.052	−.127	−.724***	−.549***	−.062	−2.865***	−4.646***	−3.384***	−2.711***
	(.129)	(.083)	(.139)	(.249)	(.195)	(.277)	(.196)	(.287)	(.130)	(.155)	(.145)	(.171)	(.473)	(.893)	(.509)	(.816)
obs	15,013	15,013	15,013	15,013	4,576	4,576	4,576	4,533[a]	7,515	7,515	7,515	7,515	2,922	2,922	2,922	2,832[b]

* significant at .10 level. ** significant at .05 level. *** significant at .01 level. Standard errors clustered by legislator. "rep" is the party affiliation of a legislator. "fb" is the foreign-born percentage of the total population in a district. "rep * fb" is the interaction between the party affiliation of a legislator and the foreign-born percentage of the total population in a district. "skill" is the percentage of the working-age population in a district with a bachelor's degree or higher. "year" represents year fixed effects. "congress" represents congress fixed effects. "state" represents state fixed effects. "con" is the constant. "obs" is the number of observations in each model. [a] Montana and Nebraska dropped due to perfect collinearity. [b] Alaska, Idaho, Maine, Montana, Nebraska, Rhode Island, Vermont, and West Virginia dropped due to perfect collinearity.

Table 3.3

Model	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32
rep	2.404***	2.634***	2.573***	2.332***	3.559***	3.804***	3.749***	3.565***	1.548***	1.757***	1.749***	1.496***	6.153***	7.361***	6.329***	7.124***
	(.275)	(.290)	(.286)	(.248)	(.558)	(.561)	(.562)	(.566)	(.275)	(.291)	(.288)	(.257)	(1.086)	(1.088)	(1.077)	(1.683)
cit	−.012***	−.012**	−.012**	.003	−.015**	−.013**	−.013***	.006	−.009*	−.010**	−.010**	.005	−.011	−.023	−.019	−.009
	(.005)	(.005)	(.004)	(.005)	(.007)	(.007)	(.007)	(.008)	(.005)	(.005)	(.005)	(.005)	(.018)	(.021)	(.019)	(.025)
rep*cit	.018***	.018***	.018***	.018***	.017	.021	.021	.019	.013**	.014**	.014**	.013**	.034	.046*	.037	.029
	(.006)	(.006)	(.006)	(.005)	(.013)	(.013)	(.013)	(.012)	(.006)	(.006)	(.006)	(.006)	(.025)	(.027)	(.025)	(.034)
skill	−.013***	−.013***	−.013***	−.012***	−.021***	−.019***	−.019***	−.021***	−.011***	−.012***	−.012***	−.010***	−.009	−.013	−.012	−.006
	(.003)	(.003)	(.003)	(.004)	(.006)	(.006)	(.006)	(.007)	(.003)	(.003)	(.003)	(.004)	(.015)	(.016)	(.015)	(.015)
year		Yes				Yes				Yes				Yes		
congress			Yes				Yes				Yes				Yes	
State				Yes				Yes				Yes				Yes
cons	−.247	−.938***	−.518**	−1.256***	.074	−.690**	.043	−1.435***	−.019	−.569**	−.400	−.922***	−2.857***	−4.363***	−3.171***	−3.364***
	(.230)	(.259)	(.243)	(.221)	(.301)	(.357)	(.296)	(.398)	(.229)	(.259)	(.249)	(.217)	(.772)	(.910)	(.751)	(1.018)
obs	15,013	15,013	15,013	15,013	4,576	4,576	4,576	4,533[a]	7,515	7,515	7,515	7,515	2,922	2,922	2,922	2,832[b]

* significant at .10 level. ** significant at .05 level. *** significant at .01 level. Standard errors clustered by legislator. "rep" is the party affiliation of a legislator. "cit" is the naturalized citizen population in a district. "rep * cit" is the interaction between the party affiliation of a legislator and the naturalized citizen population in a district. "skill" is the percentage of the working-age population in a district with a bachelor's degree or higher. "year" represents year fixed effects. "congress" represents congress fixed effects. "state" represents state fixed effects. "con" is the constant. "obs" is the number of observations in each model. [a] Montana and Nebraska dropped due to perfect collinearity. [b] Alaska, Idaho, Maine, Montana, Nebraska, Rhode Island, Vermont, and West Virginia dropped due to perfect collinearity.

Table 3.4

	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48
rep	4.216***	4.443***	4.412***	4.181***	5.316***	5.856***	5.835***	5.545***	2.861***	3.131***	3.119***	2.762***	9.559***	11.961***	9.997***	10.056***
	(.332)	(.343)	(.339)	(.305)	(.757)	(.789)	(.791)	(.707)	(.334)	(.340)	(.339)	(.325)	(1.483)	(1.877)	(1.559)	(1.825)
non	.012***	.012**	.012**	−.003	.015**	.013**	.013**	−.006	.009*	−.010**	.010**	−.005	.011	.023	.019	.009
	(.005)	(.005)	(.005)	(.005)	(.007)	(.007)	(.007)	(.008)	(.005)	(.005)	(.005)	(.005)	(.018)	(.021)	(.019)	(.025)
rep*non	−.018***	−.018***	−.018***	−.018***	−.018	−.021	−.021	−.019	−.013**	−.014**	−.014**	−.013**	−.034	−.046*	−.037	−.029
	(.006)	(.006)	(.006)	(.005)	(.013)	(.013)	(.013)	(.012)	(.006)	(.006)	(.006)	(.006)	(.025)	(.027)	(.025)	(.034)
skill	−.013**	−.013***	−.013***	−.012***	−.021***	−.019***	−.019***	−.021***	−.011***	−.012***	−.012***	−.010***	−.009	−.013	−.012	−.006
	(.003)	(.003)	(.003)	(.004)	(.006)	(.006)	(.006)	(.007)	(.003)	(.003)	(.003)	(.004)	(.015)	(.016)	(.015)	(.015)
year		Yes				Yes				Yes				Yes		
congress			Yes				Yes				Yes				Yes	
State				Yes				Yes				Yes				Yes
cons	−1.463***	−2.158***	−1.751***	−.978***	−1.471***	−2.005***	−1.272***	−.808	−.931***	−1.578***	−1.404***	−.393	−3.968***	−6.708***	−5.127***	−4.305***
	(.309)	(.339)	(.333)	(.312)	(.486)	(.522)	(.491)	(.540)	(.307)	(.332)	(.332)	(.330)	(1.236)	(1.887)	(1.450)	(1.664)
obs	15,013	15,013	15,013	15,013	4,576	4,576	4,576	4,533[a]	7,515	7,515	7,515	7,515	2,922	2,922	2,922	2,832**

* significant at .10 level. ** significant at .05 level. *** significant at .01 level. Standard errors clustered by legislator. "rep" is the party affiliation of a legislator. "non" is the non-citizen population in a district. "rep * non" is the interaction between the party affiliation of a legislator and the non-citizen population in a district. "skill" is the percentage of the working-age population in a district with a bachelor's degree or higher. "year" represents year fixed effects. "congress" represents congress fixed effects. "state" represents state fixed effects. "con" is the constant. "obs" is the number of observations in each model. [a] Montana and Nebraska dropped due to perfect collinearity. [b] Alaska, Idaho, Maine, Montana, Nebraska, Rhode Island, Vermont, and West Virginia dropped due to perfect collinearity.

3.2.2 Partisanship and Voting on Restrictive Immigration Policies in the House

The entrenchment of partisan divides on immigration is one of the defining features of the contemporary debate over comprehensive immigration reform.[16] Figure 3.1 graphically depicts just how wide these partisan divides are. As the figure shows, Republican representatives are statistically significantly more likely than Democratic representatives to vote for restrictive immigration-related legislation. More specifically, the data indicate that the predicted probability that Republican representatives vote yea on restrictive immigration-related legislation is approximately .89 across each of the model specifications, meaning Republican representatives vote yea on restrictive immigration-related legislation about nine out of every ten times.[17] For Democratic representatives the predicted probability is approximately .24 across each of the model specifications, meaning Democratic representatives vote yea on restrictive immigration-related

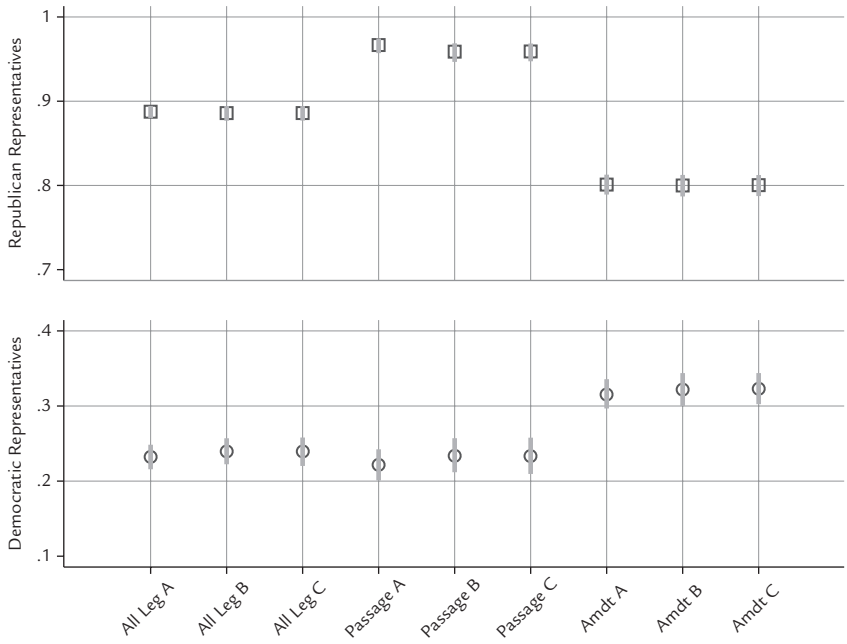

Figure 3.1 Predicted probability of voting yea on restrictive immigration-related legislation for Republican and Democratic representatives. Hollow squares refer to Republican representatives. Hollow circles refer to Democratic representatives. The bars represent the 95 percent confidence interval around the predicted probabilities. "All Leg A" refers to the analysis of all restrictive immigration-related legislation when accounting for the foreign-born percentage of the total population. "All Leg B" refers to the analysis of all restrictive immigration-related legislation when accounting for the naturalized citizen population. "All Leg C" refers to the analysis of all restrictive immigration-related legislation when accounting for the foreign-born noncitizen population. "Passage" refers to final passage votes. "Amdt" refers to votes on amendments.

legislation between two and three out of every ten times.[18] Put otherwise, Republican representatives are 3.7 times more likely than Democratic representatives are to vote yea. A closer look at the data reveals an important implication of partisan divides over immigration. As the figure also shows, partisan divides widen when it comes to final passage votes. The predicted probability that Republican representatives vote yea on the final passage of restrictive immigration-related legislation is approximately .96, meaning between nine and ten out of every ten times. In contrast, for Democratic representatives, the predicted probability remains stable at about .23. These findings are reflective of the partisan gridlock that characterizes the current debate over comprehensive immigration reform in the House. Unpacking the results even further shows that this gridlock is not localized to H.R. 4437, meaning it is not specific to either restrictive interior immigration enforcement policies or to the 109th Congress. Indeed, from the 109th to the 113th Congress, two final passage votes on restrictive legal admissions policies, three final passage votes on restrictive border security policies, three final passage votes on restrictive interior immigration enforcement policies, including H.R. 4437, and three final passage votes on restrictive immigrant integration policies are included in the legislation analyzed. These votes are described in greater detail in the discussion section below. I note here that as party affiliation provides just one way to measure partisan divides, the 1st coordinate DW-NOMINATE score for each legislator, a measure of political ideology that is widely used in political science, is also tested with similar results. These results confirm our first empirical hypothesis H_1: ceteris paribus, Republicans are significantly more likely than Democrats to vote for restrictive immigration-related legislation.

3.2.3 The Foreign-Born Population and Voting on Restrictive Immigration-Related Legislation in the House

The results further confirm our second hypothesis about immigrant political agency H_2: ceteris paribus, as the foreign-born population in a political district increases, the likelihood that a legislator votes for restrictive immigration-related legislation decreases. This holds in the analysis of all votes as well as in the analyses that distinguish between final passage votes, votes on amendments, and votes on motions and resolutions. There is also evidence to support H_5: ceteris paribus, as the foreign-born population in a political district increases, the likelihood that a legislator votes for restrictive immigration-related legislation decreases for both Democratic and Republican legislators.

Unpacking the results in Model 1 shows that for Democratic representatives, when the foreign-born percentage of the total population in a district is zero, the predicted probability of a yea vote on restrictive immigration-related legislation is .35, meaning between three and four out of every ten times. When the foreign-born percentage of the total population in a district is 15 percent, which is about the average for Democratic-controlled districts, the predicted probability of a yea vote drops to .24. At 25 percent, which is approximately the 75th percentile for Democratic-controlled districts, the predicted probability drops further to .19. When the foreign-born percentage of the total population in a district is 50 percent, which is just below the high for Democratic-controlled districts, the predicted probability of a yea vote is just .09, meaning about one out of every ten times. Figure 3.2 graphically depicts the results. The results further show that the effect of the foreign-born population on the voting behavior of Democratic representatives is most pronounced when final passage votes on restrictive immigration-related legislation are analyzed, which makes sense given that final passage votes are generally more publicly visible and receive greater media attention. These results are illustrated in Panel B in Figure 3.2. The data indicate that a change in the foreign-born percentage of the total

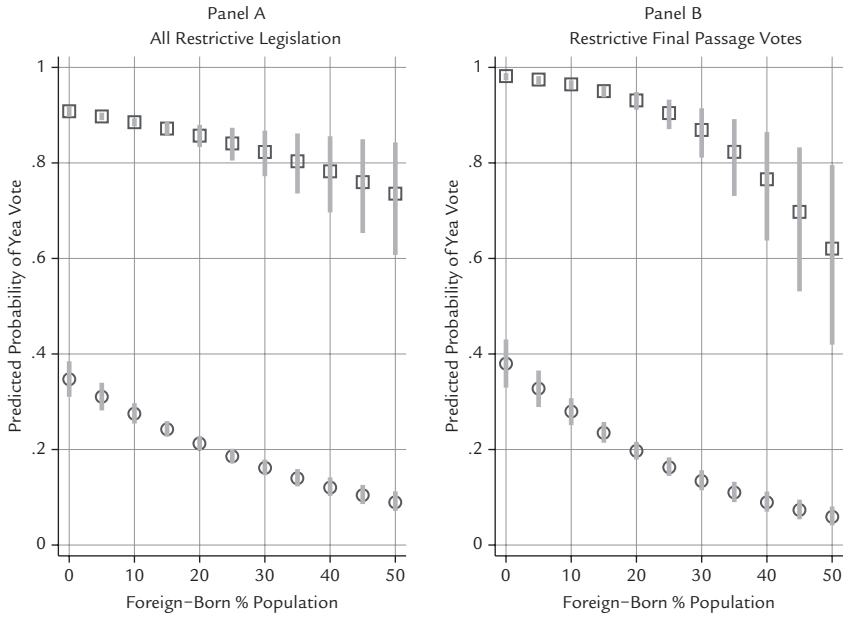

Figure 3.2 Predicted probability of voting yea on restrictive immigration-related legislation for Republican and Democratic representatives as the foreign-born percentage of the total population in a district increases. Hollow squares refer to Republican representatives. Hollow circles refer to Democratic representatives. The bars represent the 95 percent confidence interval around the predicted probabilities.

population in a district from zero to 50 percent decreases the predicted probability that Democratic representatives vote yea on the final passage of restrictive immigration-related legislation from .38 to .06, meaning a drop from roughly four out of every ten times to less than one out of every ten times. As demographic shifts are seldom so abrupt, a more realistic example shows that a change in the foreign-born percentage of the total population in a district from 15 percent to 25 percent, which represents a change from the average for Democratic-controlled districts to the 75th percentile, decreases the predicted probability that Democratic representatives vote yea on the final passage of restrictive immigration-related legislation from .24 to .16. For Republican representatives, while the results are less robust, they do provide some evidence to suggest that large foreign-born populations affect how GOP legislators vote on restrictive immigration-related legislation. The data indicate that a change in the foreign-born percentage of the total population in a district from zero to 50 percent decreases the predicted probability that Republican representatives vote yea on restrictive immigration-related legislation from .91 to .74, meaning a drop from nine out of every ten times to about seven out of every ten times. However, the wide confidence intervals around the estimates suggest that while the direction of the effect is most likely negative, the exact magnitude of the effect is unclear. In other words, when confidence intervals overlap with each other, there is less certainty about what the true effect is. The results further show that Republican representatives are less likely to vote yea on the final passage of restrictive immigration-related legislation as the foreign-born percentage of the total population in a district increases. When the foreign-born percentage of the total population in a district changes from zero to 50 percent, the predicted probability that Republican representatives votes yea decreases from .98 to .62, meaning a drop from roughly ten out of every ten times to just over six out of every ten times. A more realistic example shows that a change in the foreign-born percentage of the total population in a district from 5 to 15 percent, which represents a change from the average for Republican-controlled districts to the 75th percentile, decreases the predicted probability that Republican representatives vote yea on the final passage of restrictive immigration-related legislation from .97 to .95.

The extent to which the foreign-born population in a district affects how representatives vote on restrictive immigration-related legislation is clearly contingent on partisanship, wherein Republican representatives are less elastic to this particular type of demographic change. In other words, whereas the results show that Republican representatives are less likely to support restrictive immigration policies as the foreign-born percentage of the total population in a district increases, the magnitude of this effect is not entirely clear as reflected by the wide confidence intervals. Moreover, even

at the highest levels of the foreign-born population in a district, Republican representatives are still more likely than not to vote yea.

Still, the results make clear that a relationship exists between the size of the foreign-born percentage of the total population in a district and voting on restrictive immigration-related legislation. What is less clear, however, is the mechanism connecting the two. For example, even the assumption that immigrants categorically oppose restrictive immigration policies would not, ceteris paribus, mean that large foreign-born populations necessarily change the electoral incentives or disincentives that legislators consider when voting on immigration policy reforms. As I have argued, to the extent that naturalized citizens who can vote constitute a large percentage of the foreign-born population in a district, shifts in preferences over immigration policy within the district are more likely to map onto shifts in the location of the median voter. However, if noncitizens who are unable to vote constitute a large percentage of the foreign-born population, shifts in preferences over immigration are not likely to map neatly onto shifts in the location of the median voter. Indeed, if the mechanism connecting the foreign-born population in a district to legislative voting behavior when it comes to immigration is an electoral one, predictable differences in the results should obtain when the analyses are re-run while distinguishing between the naturalized citizen and foreign-born noncitizen populations.

The results in Table 3.3 lend support for H_3: ceteris paribus, as the naturalized citizen population in a political district increases, the likelihood that a legislator votes for restrictive immigration-related legislation decreases. This holds in the analysis of all votes, as well as in the analyses that distinguish between final passage votes and votes on amendments. Whereas the direction of the relationship between the naturalized citizen population and voting on restrictive immigration-related motions and resolutions is negative, as hypothesized, the results are not statistically significant. It is also interesting to note that the statistical significance of the effect of the naturalized citizen population disappears when models are estimated using state fixed effects. This suggests that differences in legislative responsiveness to the electoral mechanism may vary by geography, which is explained in more detail below. As with the results of the analysis of the foreign-born percentage of the total population in a district, the effects of the naturalized citizen population are most pronounced when it comes to final passage votes. Unpacking the results in Model 21 shows that, for Democratic representatives, a change in the naturalized citizen population in a district from zero to 75 percent, which is just above the high for Democratic-controlled districts, decreases the predicted probability that Democratic representatives vote yea on the final passage of restrictive immigration-related legislation from .38 to .16. Interestingly, when the naturalized citizen population

in a district is set to zero, the upper bound of the 95 percent confidence interval intersects .5, which means that Democratic representatives have a coin flip's chance of voting yea on the final passage of restrictive immigration-related legislation. When the naturalized citizen population in a district increases from 45 to 55 percent, which represents a change from the average for Democratic-controlled districts to the 75th percentile, the data indicate that the predicted probability that Democratic representatives vote yea decreases from .23 to .2. It is also important to note that the magnitude of the effect of the naturalized citizen population in a district is less than the magnitude of the effect of the foreign-born percentage of the total population in a district for Democratic representatives. Also, whereas there is evidence to support the electoral mechanism, our critical test of immigrant political agency is not met for Republican representatives when analyzing the naturalized citizen population.

The results in Table 3.4 lend support for H_4: ceteris paribus, the size of the foreign-born noncitizen population in a political district should not affect how a legislator votes on immigration-related legislation in the same way that the naturalized citizen population does. This holds in the analysis of all votes, final passage votes, votes on amendments, and votes on motions and resolutions. Not only is the direction of the relationship between the foreign-born noncitizen population and voting on restrictive immigration-related legislation positive, as hypothesized, but the results are also statistically significant in the analysis of all votes, final passage votes, and votes on amendments. Whereas the predicted probability of voting yea on restrictive immigration-related legislation decreases as the naturalized citizen population increases, the results show that the predicted probability that a representative votes yea increases as the foreign-born noncitizen population increases. Otherwise put, the presence of the electoral mechanism is correlated with decreased support for restrictive immigration-related legislation and the absence of it is correlated with increased support. The effects of the foreign-born noncitizen population are most pronounced in the analysis of all votes. Unpacking the results in Model 33 reveals an important counterintuitive result. For Democratic representatives, the data indicate that a change in the foreign-born noncitizen population from zero to 80 percent, which is just below the high for Democratic-controlled districts, increases the predicted probability that Democratic representatives vote yea on restrictive immigration-related legislation from .14 to .29. A more modest example shows that a change in the foreign-born noncitizen population from 50 to 60 percent, which represents a change from the average for Democratic-controlled districts to the 75th percentile, increases the predicted probability that Democratic representatives vote yea from .23 to .25. Whereas there is evidence to support the counterfactual, the effects of the

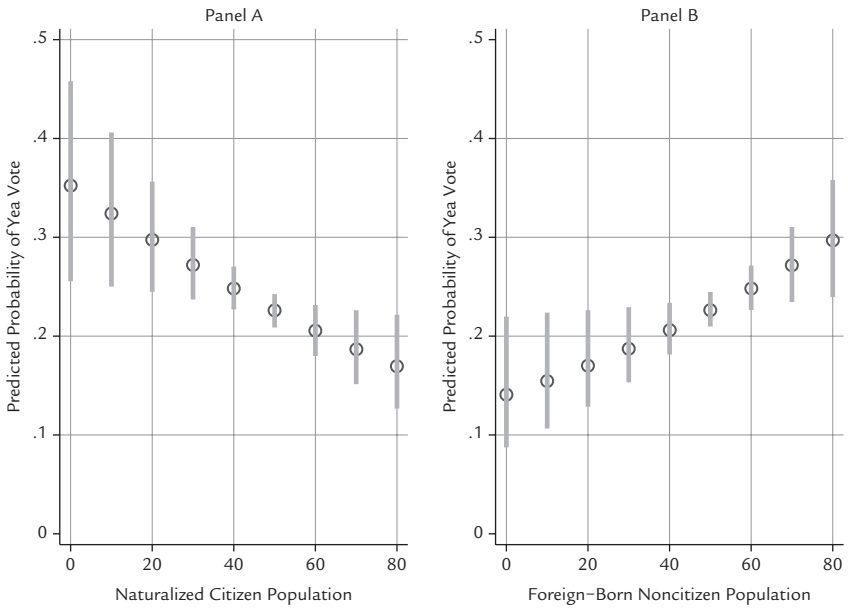

Figure 3.3 Predicted probability of voting yea on restrictive immigration-related legislation for Democratic representatives as the naturalized citizen population (Panel A) and the foreign-born noncitizen population (Panel B) increase. The bars represent the 95 percent confidence interval around the predicted probabilities.

foreign-born noncitizen population are concentrated among Democratic representatives.

Figure 3.3 provides a side-by-side comparison of the effects of the naturalized citizen and foreign-born noncitizen populations in the analysis of all votes on restrictive immigration-related legislation. Panel A in Figure 3.3 shows how the naturalized citizen population decreases the predicted probability that Democratic representatives vote yea on restrictive immigration-related legislation. Panel B in Figure 3.3 shows how the foreign-born noncitizen population increases it. Figure 3.4 repeats the analysis and shows the null effects that the naturalized citizen and foreign-born noncitizen populations have on the voting behavior of Republican representatives when it comes to restrictive immigration-related legislation.

3.2.4 Disaggregating Restrictive Immigration Policies in the House

Do the results hold when comprehensive immigration reform is disaggregated into its component parts? Table 3.5 reports the results when the analyses are re-run while distinguishing between restrictive legal admissions,

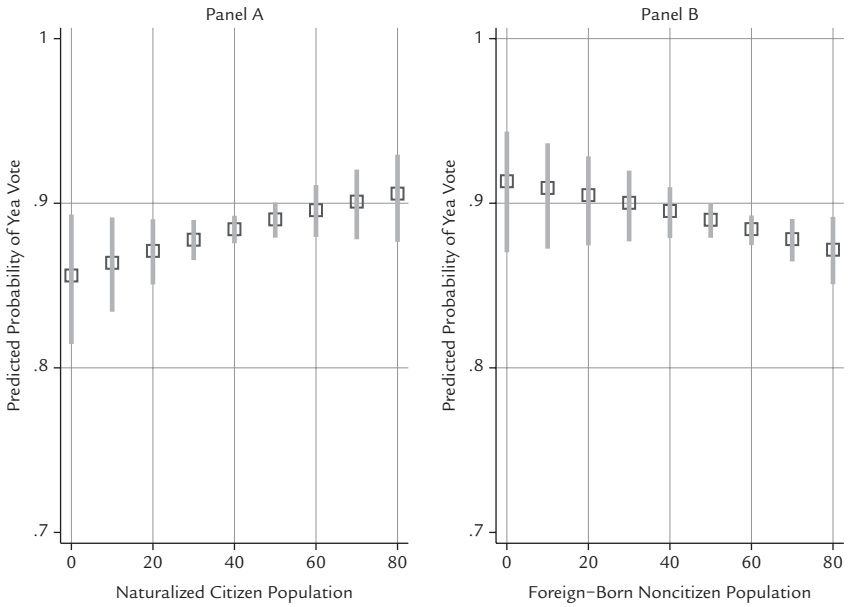

Figure 3.4 Predicted probability of voting yea on restrictive immigration-related legislation for Republican representatives as the naturalized citizen population (Panel A) and the foreign-born noncitizen population (Panel B) increase. The bars represent the 95 percent confidence interval around the predicted probabilities.

border security, interior immigration enforcement, and immigrant integration policies. Efforts to eliminate the Diversity Immigrant Visa Program, which provides green cards to individuals from countries with low rates of immigration to the United States, provides an example of legislation categorized as restrictive and related to legal admissions. The Secure Fence Act of 2006 provides an example of legislation categorized as restrictive and related to border security. H.R. 4437 provides an example of legislation categorized as restrictive and related to interior immigration enforcement. Last, efforts to end the DACA program, which provides temporary legal status to undocumented immigrant youth who meet certain criteria, provides an example of legislation categorized as restrictive and related to immigrant integration.

When restrictive legal admissions policies are analyzed, the core trends hold. As Table 3.5 shows, Republican representatives are more likely than Democratic representatives are to vote yea on restrictive legal admissions policies; the foreign-born percentage of the total population in a district is statistically significantly related to decreased support for these policies; this effect holds when analyzing the naturalized citizen population; and the foreign-born noncitizen population has the opposite effect. When it comes to partisanship, the data indicate that the predicted probability that

Table 3.5

	Legal Admissions Policies			Border Security Policies			Interior Immigration Enforcement Policies			Immigrant Integration Policies		
Model	49	50	51	52	53	54	55	56	57	58	59	60
rep	3.518***	2.008***	7.059***	2.026***	2.131***	2.708***	2.696***	2.112***	4.211***	6.107***	5.556***	9.417***
	(.263)	(.632)	(.846)	(.112)	(.366)	(.789)	(.135)	(.296)	(.392)	(.719)	(1.415)	(1.806)
fb	−.067***			−.028***			−.037***			−.219**		
	(.016)			(.004)			(.004)			(.092)		
rep*fb	.041**			.019***			.011			.139		
	(.019)			(.007)			(.011)			(.092)		
cit		−.049***			−.005			−.012**			−.036	
		(.012)			(.006)			(.005)			(.027)	
rep*cit		.051***			.006			.021***			.039	
		(.014)			(.007)			(.007)			(.031)	
non			.049***			.005			.012**			.036
			(.012)			(.006)			(.005)			(.027)
rep*non			−.051***			−.006			−.021***			−.039
			(.014)			(.007)			(.007)			(.031)
skill	−.006	−.009	−.009	−.007	−.011***	−.011***	−.009**	−.017***	−.017***	.005	−.024	−.024
	(.009)	(.009)	(.009)	(.004)	(.004)	(.004)	(.004)	(.004)	(.004)	(.017)	(.017)	(.017)
year												
congress												
State												
cons	−1.025***	.243	−4.664***	.138	.029	−.431***	−.302***	−.133	−1.327***	−2.024***	−1.735	−5.334***
	(.328)	(.5001)	(.866)	(.139)	(.258)	(.358)	(.134)	(.229)	(.342)	(.743)	(1.115)	(1.912)
obs	2.063	2,063	2,063	4,604	4,604	4,604	6,276	6,276	6,276	2,070	2,070	2,070

* significant at .10 level. ** significant at .05 level. *** significant at .01 level. Standard errors clustered by legislator. "rep" is the party affiliation of a legislator. "fb" is the foreign-born percentage of the total population in a district. "rep * fb" is the interaction between the party affiliation of a legislator and the foreign-born percentage of the total population in a district. "cit" is the naturalized citizen population in a district. "rep * cit" is the interaction between the party affiliation of a legislator and the naturalized citizen population in a district. "non" is the non-citizen population in a district. "rep * non" is the interaction between the party affiliation of a legislator and the non-citizen population in a district. "skill" is the percentage of the working-age population in a district with a bachelor's degree or higher. "year" represents year fixed effects. "congress" represents congress fixed effects. "state" represents state fixed effects. "con" is the constant. "obs" is the number of observations in each model.

Republican representatives vote yea on restrictive legal admissions policies is .89, meaning nearly nine out of every ten times. The predicted probability that Democratic representatives vote yea is .09, meaning just fewer than one out of every ten times. Put otherwise, Republican representatives are nearly ten times more likely than Democratic representatives are to vote yea on restrictive legal admissions policies. Figure 3.5 graphically depicts partisan divides between Republican and Democratic representatives when voting on the restrictive components of comprehensive immigration reform. When it comes the foreign-born percentage of the total population in a district, unpacking the results in Model 49 shows that, for Democratic representatives, a change in the foreign-born population from zero to 50 percent decreases the predicted probability that Democratic representatives vote yea on restrictive legal admissions policies from .23 to .01. When the foreign-born population increases from 15 percent to 25 percent, which represents a change from the average for Democratic-controlled districts to the 75th percentile, the data indicate that the predicted probability that Democratic representatives vote yea decreases from .10 to .06. For Republican representatives, the results also show a decreasing trend. The data indicate that a change in the foreign-born percentage of the total population in a district from zero to 50 percent decreases the predicted probability that Republican

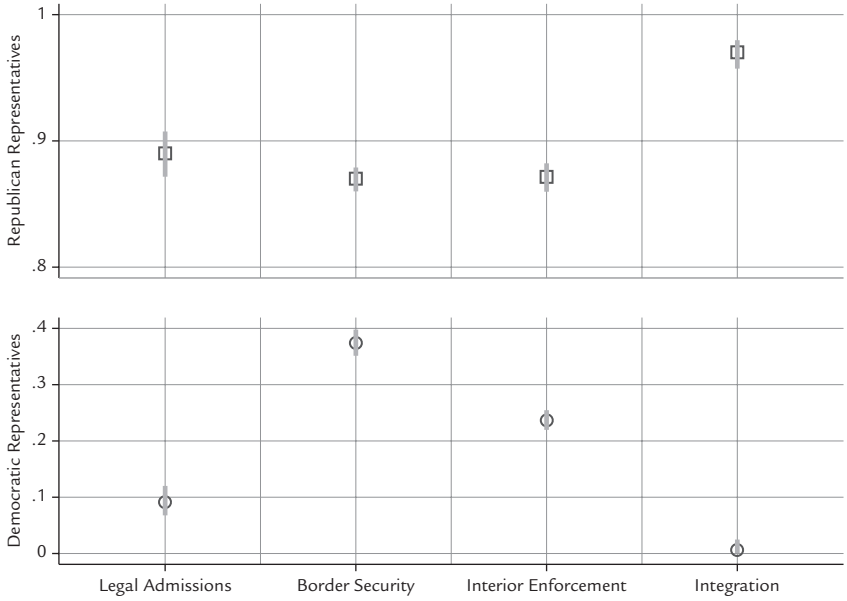

Figure 3.5 Predicted probability of voting yea on restrictive immigration-related legislation for Republican and Democratic representatives. Hollow squares refer to Republican representatives. Hollow circles refer to Democratic representatives. The bars represent the 95 percent confidence interval around the predicted probabilities.

representatives vote yea on restrictive legal admissions policies from .91 to .73. However, as the wide confidence intervals suggest, it is unclear whether this is a systematic trend. Figure 3.6 graphically depicts how the predicted probability of voting yea changes for Republican and Democratic representatives as the foreign-born percentage of the total population in a district increases when the restrictive components of comprehensive immigration reform are analyzed. Panel A in Figure 3.6 analyzes restrictive legal admissions policies. Panel B analyzes restrictive border security policies. Panel C analyzes restrictive interior immigration enforcement policies. Panel D analyzes restrictive immigrant integration policies.

When it comes to restrictive border security policies, while the core trends generally hold we see a break in the voting behavior of Democratic representatives. More specifically, the results show that there is more agreement between Democratic and Republican representatives when it comes to restrictive border security policies than there is on other aspects of comprehensive immigration reform. The data indicate that the predicted probability that Democratic representatives vote yea on restrictive border security policies is .37, meaning just under four out of every ten times. To help contextualize this, Democratic representatives are four times more likely to vote yea on restrictive border security policies than they are to vote yea on restrictive legal admissions policies. For Republican representatives, the data indicate that the predicted probability of a yea vote is .87, meaning nearly nine out of every ten times. Interrogating the results even further reveals a second important finding. In the absence of the influence of the foreign-born population, Democratic representatives have roughly a coin flip's chance of voting yea on restrictive border security policies.[19] The data indicate that when the foreign-born percentage of the total population in a district is zero, the predicted probability that Democratic representatives vote yea is .49. As the foreign-born population increases, however, Democratic representatives move from being "on the fence" to being more likely than not to oppose restrictive border security policies. Unpacking the results in Model 52 shows that a change in the foreign-born percentage of the total population in a district from zero to 50 percent decreases the predicted probability that Democratic representatives vote yea on restrictive border security policies from .49 to .19. When the foreign-born population increases from 15 percent to 25 percent, the data indicate that the predicted probability that Democratic representatives vote yea decreases from .39 to .32. I note here that whereas the foreign-born percentage of the total population in a district is statistically significantly related to voting on restrictive border security policies, the naturalized citizen population in a district is not. This is explained, in part, by the fact that the Democratic representatives who cast yea votes represent districts that vary widely when it comes

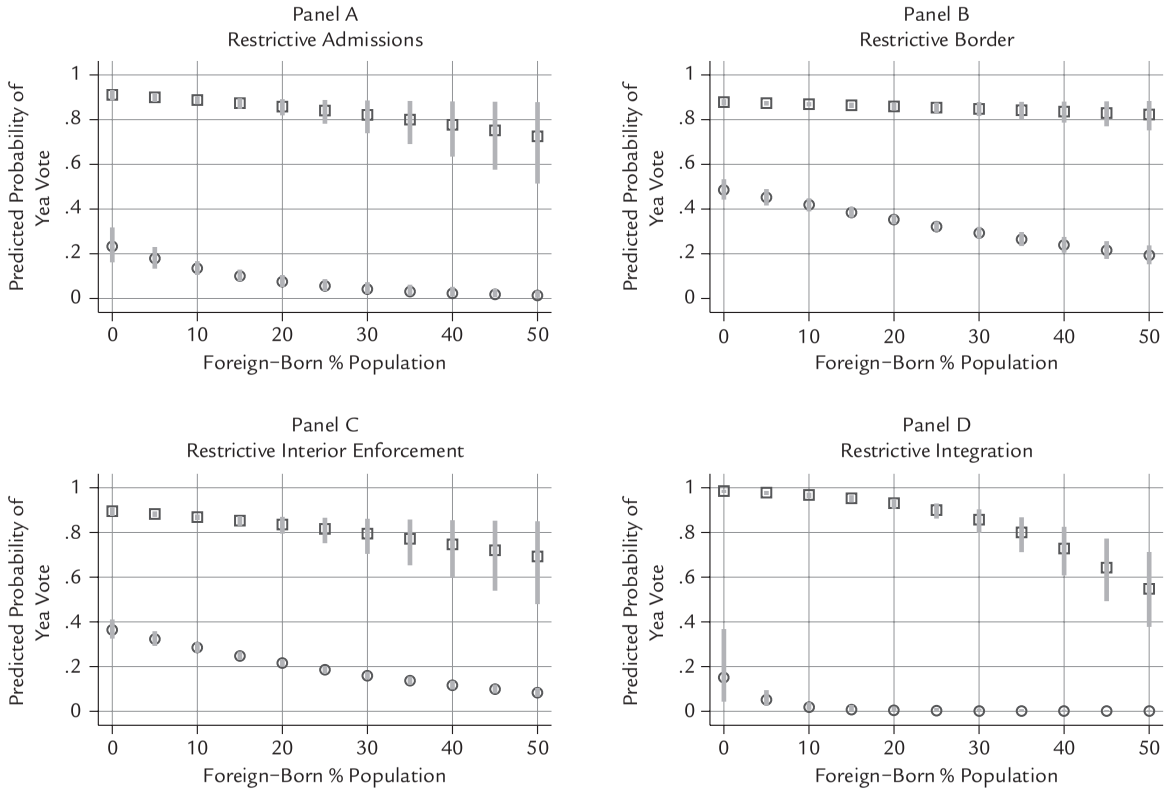

Figure 3.6 Predicted probability of voting yea on restrictive immigration-related legislation for Republican and Democratic representatives as the foreign-born percentage of the total population increases, distinguishing between restrictive legal admissions (Panel A), restrictive border security (Panel B), restrictive interior immigration enforcement (Panel C), and restrictive immigrant integration (Panel D) policies. Hollow squares refer to Republican representatives. Hollow circles refer to Democratic representatives. The bars represent the 95 percent confidence interval around the predicted probabilities.

to the naturalized citizen population, from as low as 15 percent to as high as 70 percent, which serves to diminish the statistical significance of the variable.[20] For Republican representatives, the results also show a decreasing trend; however, whether this trend is systematic is unclear given the wide confidence intervals around the estimates.

When restrictive interior immigration enforcement policies are analyzed, the core trends hold. Republican representatives are more likely than Democratic representatives are to vote yea. The foreign-born percentage of the total population in a district is statistically significantly related to decreased support for these policies. This effect holds when analyzing the naturalized citizen population. And the foreign-born noncitizen population has the opposite effect. When it comes to partisanship, the data indicate that the predicted probability that Republican representatives vote yea on restrictive interior immigration enforcement policies is .87, meaning nearly nine out of every ten times. The predicted probability that Democratic representatives vote yea is .24, meaning between two and three out of every ten times. Put otherwise, Republican representatives are 3.6 times more likely than Democratic representatives are to vote yea on restrictive interior immigration enforcement policies. Unpacking the results in Model 55 shows that for Democratic representatives, a change in the foreign-born percentage of the total population in a district from zero to 50 percent decreases the predicted probability that Democratic representatives vote yea on restrictive interior immigration enforcement policies from .37 to .08. When the foreign-born population increases from 15 percent to 25 percent, the data indicate that the predicted probability that Democratic representatives vote yea decreases from .25 to .19. For Republican representatives, the results also show a decreasing trend. The data indicate that a change in the foreign-born percentage of the total population in a district from zero to 50 percent decreases the predicted probability that Republican representatives vote yea on restrictive interior immigration enforcement policies from .89 to .69. However, the wide confidence intervals around the estimates make it unclear whether this is a systematic trend.

The entrenchment of partisanship is most acute when it comes to voting on restrictive immigrant integration policies. The data indicate that the predicted probability that Republican representatives vote yea on restrictive immigrant integration policies is .97, meaning nearly ten out of every ten times. In contrast, the predicted probability that Democratic representatives vote yea is .01, meaning just over zero out of every ten times. Put otherwise, whereas Republican representatives nearly always vote yea, Democratic representatives nearly always oppose restrictive immigrant integration policies. Unpacking the results in Model 58 shows that for Democratic representatives, a change in the foreign-born percentage of the total population

in a district from zero to 50 percent decreases the predicted probability that Democratic representatives vote yea on restrictive immigrant integration policies from .15 to .001. When the foreign-born population increases from 15 percent to 25 percent, which represents a change from the average for Democratic-controlled districts to the 75th percentile, the data indicate that the predicted probability that Democratic representatives vote yea decreases from .008 to .006. To be clear, whereas the foreign-born percentage of the total population in a district is statistically significantly related to voting on restrictive immigrant integration policies, the results show that no votes remain no votes for Democratic representatives across all levels of the foreign-born population. For Republican representatives, the results also show a decreasing trend. The data indicate that a change in the foreign-born percentage of the total population in a district from zero to 50 percent decreases the predicted probability that Republican representatives vote yea on restrictive immigrant integration policies from .99 to .55. In fact, Republican representatives move from being solid yea votes to being on the fence at the highest levels of the foreign-born population.

3.2.5 Analyzing Permissive Immigration Policies in the House

The analyses conducted thus far provide evidence supporting the arguments presented in this book about immigration politics in the post-H.R. 4437 period. I turn now to the question of whether the results hold when analyzing permissive immigration-related legislation. The full results are reported in the Appendix at the end of this chapter. Table A.1 in the Appendix analyzes the impact of the foreign-born percentage of the total population in a district. Table A.2 analyzes the naturalized citizen population. Table A.3 analyzes the foreign-born noncitizen population.

3.2.6 Partisanship and Voting on Permissive Immigration Policies in the House

The entrenchment of partisan divides exists for both restrictive and permissive immigration-related legislation. However, the results show two important differences. Figure 3.7 graphically depicts the predicted probability of voting yea on permissive immigration-related legislation for Democratic and Republican representatives while distinguishing between all votes, final passage votes, and votes on amendments. First, as the figure shows, whereas Democratic representatives are generally more likely

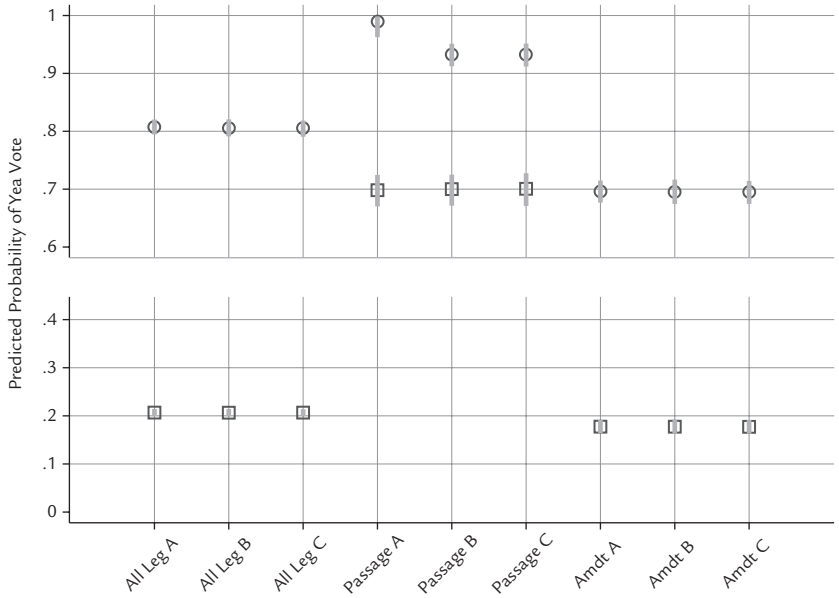

Figure 3.7 Predicted probability of voting yea on permissive immigration-related legislation for Democratic and Republican representatives. Hollow circles refer to Democratic representatives. Hollow squares refer to Republican representatives. The bars represent the 95 percent confidence interval around the predicted probabilities. "All Leg A" refers to the analysis of all permissive immigration-related legislation when accounting for the foreign-born percentage of the total population. "All Leg B" refers to the analysis of all permissive immigration-related legislation when accounting for the naturalized citizen population. "All Leg C" refers to the analysis of all permissive immigration-related legislation when accounting for the foreign-born noncitizen population. "Passage" refers to final passage votes. "Amdt" refers to votes on amendments.

than Republican representatives are to vote yea, the voting behavior of Democratic representatives varies significantly when distinguishing between types of votes. When all votes on permissive immigration-related legislation are analyzed, the predicted probability that Democratic representatives vote yea is approximately .81, meaning just over eight out of every ten times. When only final passage votes are analyzed, the predicted probability increases to between .93 and .99. On the other hand, when only votes on amendments are analyzed, the predicted probability drops to approximately .7. I note here that these differences are not nearly as pronounced when analyzing restrictive immigration-related legislation. Second, the data show a similar trend for Republican representatives, wherein voting behavior varies significantly when distinguishing between types of votes. When all votes on permissive immigration-related legislation are analyzed, the predicted probability that Republican representatives vote yea is approximately .21, meaning just over two out of every ten times. When only final passage votes are analyzed, the predicted probability increases to approximately .7. When only votes on amendments are

analyzed, the predicted probability drops to approximately .18. Most significantly, the data indicate that Republican representatives are more likely than not to vote yea on the final passage of permissive immigration-related legislation. Before generalizing too much from this result, it is important to note that only three bills coded as permissive made it to final passage votes in the sample of legislation analyzed. I return to this in the discussion section below.

3.2.7 The Foreign-Born Population and Voting on Permissive Immigration Policies in the House

The results lend further evidence to support the theory presented here about immigration political agency. The foreign-born percentage of the total population in a district is statistically significantly related to increased support for permissive immigration-related legislation. This effect generally holds when analyzing the naturalized citizen population. The foreign-born noncitizen population generally has the opposite effect. And these results hold across comparable legislative districts. But do the results meet our critical test, that is, do they hold for both Democratic and Republican representatives? The results suggest that the answer is no. Panel A in Figure 3.8 shows how the foreign-born percentage of the total population in a district affects voting on permissive immigration-related legislation for Democratic representatives. Panel B shows the impact of the naturalized citizen population. Panel C shows the impact of the foreign-born noncitizen population. For Democratic representatives, the results confirm our hypotheses about immigrant political agency. Figure 3.9 repeats the analyses for Republican representatives. As Panel A in Figure 3.9 shows, the size of the foreign-born percentage of the total population in a district does not increase the predicted probability that a Republican representative votes yea on permissive immigration-related legislation. Moreover, Panel B and Panel C in Figure 3.9 show that both the naturalized citizen and foreign-born noncitizen populations have the opposite of the hypothesized effect, wherein larger naturalized citizen populations are negatively related to the predicted probability of a yea vote on permissive immigration-related legislation and larger foreign-born noncitizen populations are positively related to the predicted probability of a yea vote. Altogether, these results provide further evidence to suggest that Republican representatives are less elastic to the electoral consequences of demographic change. It is also becoming increasingly clear that Democratic representatives are more responsive to it.

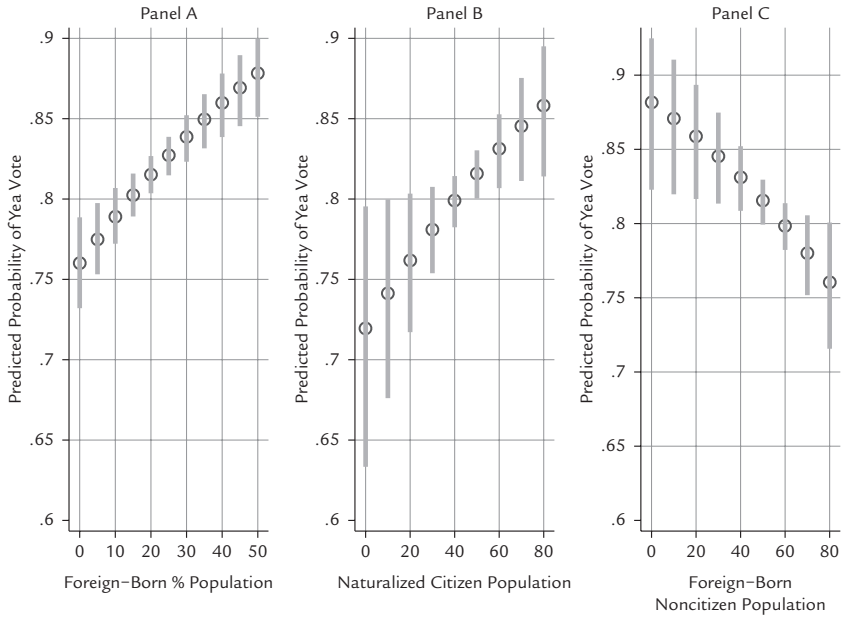

Figure 3.8 Predicted probability of voting yea on permissive immigration-related legislation for Democratic representatives. Panel A analyzes the foreign-born percentage of the total population in a district. Panel B analyzes the naturalized citizen population in a district. Panel C analyzes the foreign-born noncitizen population in a district.

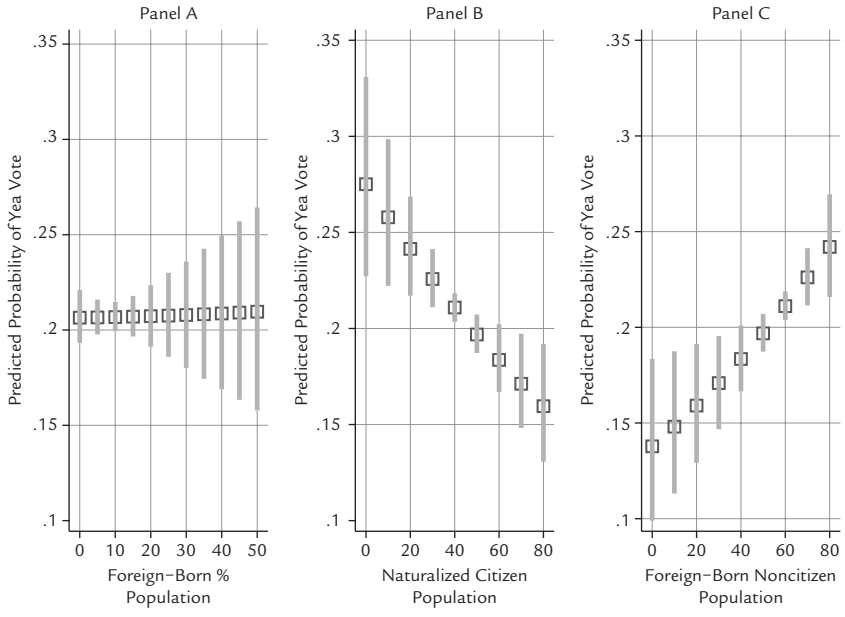

Figure 3.9 Predicted probability of voting yea on permissive immigration-related legislation for Republican representatives. Panel A analyzes the foreign-born percentage of the total population in a district. Panel B analyzes the naturalized citizen population in a district. Panel C analyzes the foreign-born noncitizen population in a district.

3.2.8 Disaggregating Permissive Immigration Policies in the House

The core trends continue to hold when comprehensive immigration reform is disaggregated into its component parts, particularly when it comes to permissive interior immigration enforcement policies. Table A.4 in the Appendix reports the results for analysis of permissive legal admissions, border security, interior immigration enforcement, and immigrant integration policies.

To begin, note that when it comes to permissive legal admissions policies, the effects of partisanship and the components of the foreign-born population are inconsistently statistically significant. This is explained, in part, by the fact that two of the four votes analyzed are just above the lopsided vote threshold of 3 percent, meaning both Democratic and Republican representatives across a wide range of demographic contexts cast similar votes, which diminishes the statistical significance of both partisanship and the foreign-born population. Moreover, when it comes to permissive border security policies, partisanship is a strong predictor of how representatives vote. However, the foreign-born population is not statistically significantly related to voting on permissive border security policies. This can be explained by the fact that only one vote in the entire sample of legislation analyzed is categorized as permissive and relating to border security, and this vote was a motion to recommit the Secure Fence Act of 2006 without instructions. A motion to recommit without instructions is a procedural measure used to block or delay a vote on the final passage of a bill by sending it back to committee. This motion was decided by a strict party line vote.

In contrast, the results show that partisanship and the foreign-born population are statistically significantly related to voting on permissive interior immigration enforcement and immigrant integration policies. When it comes to partisanship, partisan divides are widest in votes on permissive border security and immigrant integration policies. The data indicate that the predicted probability that Democratic representatives vote yea on permissive border security policies is .97, meaning nearly ten out of every ten times. The predicted probability that Republican representatives vote yea is .01, meaning nearly zero out of every ten times. Whereas Democratic representatives are more likely to deal when it comes to tightening border security efforts, the data indicate that Republican representatives are not likely at all to deal when it comes to permissive border security policies. The discussion section below provides examples. With respect to permissive immigrant integration policies, the data indicate that the predicted probability that Democratic representatives vote yea is .98, meaning nearly ten out of every ten times. The predicted probability that Republican representatives vote yea is .01, meaning nearly zero out of every ten times. Wide partisan divides on permissive

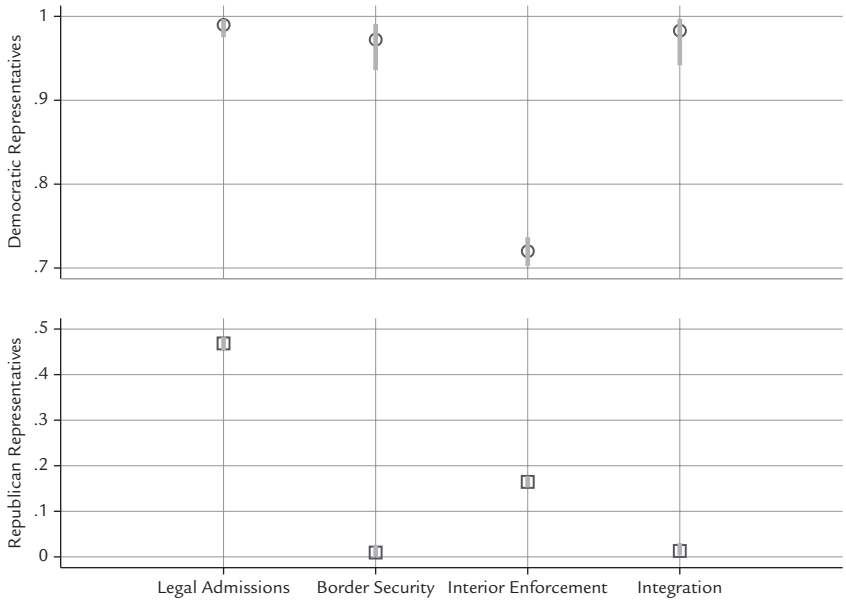

Figure 3.10 Predicted probability of voting yea on permissive immigration-related legislation for Democratic and Republican representatives. Hollow circles refer to Democratic representatives. Hollow squares refer to Republican representatives. The bars represent the 95 percent confidence interval around the predicted probabilities.

immigrant integration policies mirror wide partisan divides when restrictive immigrant integration policies are analyzed. At the same time, as Figure 3.10 shows, partisan divides narrow when it comes to permissive legal admissions policies. The data indicate that the predicted probability that Democratic representatives vote yea on permissive legal admissions policies is .99, meaning nearly ten out of every ten times. The predicted probability that Republican representatives vote yea is .47, meaning nearly five out of every ten times. The figure also shows a slight deviation in support for permissive immigration-related legislation when it comes to support for permissive interior immigration enforcement policies.

Figure 3.11 shows how the predicted probability of voting yea on permissive immigration-related legislation changes as the foreign-born percentage of the total population in a district increases for both Democratic and Republican representatives. Panel A in Figure 3.11 shows the analysis of permissive legal admissions policies. Panel B shows the analysis of permissive border security policies. Panel C shows the analysis of permissive interior immigration enforcement policies. Panel D shows the analysis of permissive immigrant integration policies. As the figure shows, the effects of the foreign-born population are not as pronounced in the analysis of permissive immigration-related legislation as they are in the analysis

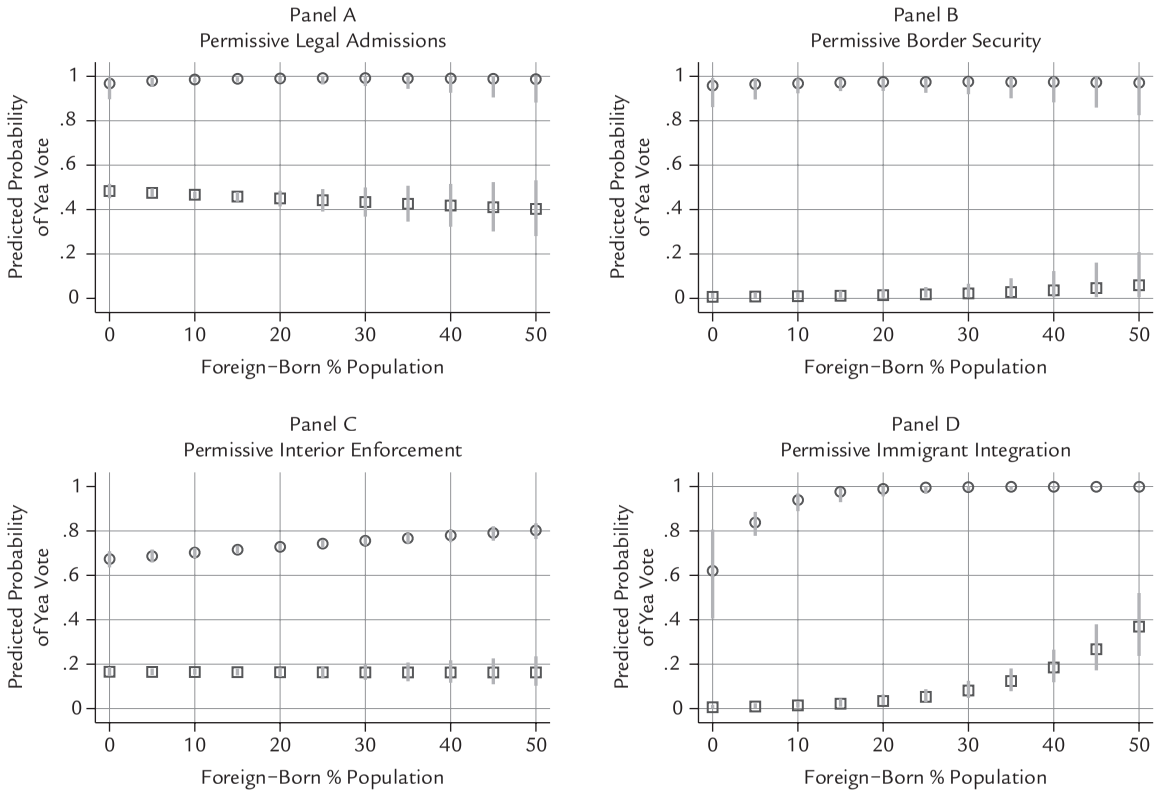

Figure 3.11 Predicted probability of voting yea on permissive immigration-related legislation for Democratic and Republican representatives as the foreign-born percentage of the total population increases, distinguishing between permissive legal admissions (Panel A), permissive border security (Panel B), permissive interior immigration enforcement (Panel C), and permissive immigrant integration (Panel D) policies. Hollow circles refer to Democratic representatives. Hollow squares refer to Republican representatives. The bars represent the 95 percent confidence interval around the predicted probabilities.

of restrictive immigration-related legislation. Moreover, the effects of the foreign-born population are concentrated mostly when it comes to permissive immigrant integration policies. Not only does the predicted probability of voting yea increase for both Democratic and Republican representatives as the foreign-born population increases, but at the highest levels of the foreign-born percentage of the total population in a district, the predicted probability of a yea vote by Republican representatives increases to .37. Whereas the lower bound of the 95 percent confidence interval is .24, the upper bound is .52. The wide confidence interval is due, in part, to the fact that only two Republican representatives currently represent districts with foreign-born populations of more than 40 percent. Nevertheless, the takeaway here suggests that likely no votes can become likely yea votes when it comes to permissive immigrant integration policies at the highest levels of the foreign-born population for Republican representatives. I discuss this finding further below.

3.3 VOTING ON IMMIGRATION-RELATED LEGISLATION IN THE SENATE

3.3.1 Analyzing Restrictive Immigration Policies in the Senate

Tables 3.6 report the results of the analyses of restrictive immigration-related legislation in the Senate. The models in Table 3.6 focus on the foreign-born percentage of the total population. I analyze voting in the Senate in the same way that I analyze voting in the House. The main models analyze all votes on restrictive immigration-related legislation in the Senate. Other models then subset the legislation distinguishing between final passage votes, votes on amendments, and votes on motions and resolutions. Table 3.7 follows this same logic, but focuses on the naturalized citizen population. Table 3.8 then analyzes the foreign-born noncitizen population. Table 3.9 then separately analyzes restrictive legal admissions, border security, interior immigration enforcement, and immigrant integration policies. After all restrictive immigration-related legislation in the Senate is analyzed, the next step is to examine whether the core trends identified hold when permissive immigration-related legislation is analyzed.

3.3.2 Partisanship and Voting on Restrictive Immigration Policies in the Senate

Partisan divides on immigration are less wide in the Senate than they are in the House. The data indicate that for Republican senators, the predicted

Table 3.6

Model	61	62	63	64	65	66	67	68	69	70	71	72
Rep	.752***	.740***	.740***	.763***	.804***	.786***	.786***	.786***	−.122	.029	.029	1.476*
	(.223)	(.226)	(.226)	(.325)	(.227)	(.231)	(.231)	(.333)	(.426)	(.449)	(.449)	(.861)
Fb	−.033***	−.033***	−.033***	.122	−.033***	−.034***	−.034***	.078	−.034*	−.029*	−.029*	−.007
	(.012)	(.012)	(.012)	(.123)	(.012)	(.013)	(.013)	(.134)	(.019)	(.018)	(.018)	(.836)
rep*fb	.009	.010	.010	.006	.013	.014	.014	.016	−.066	−.077	−.077	−.327**
	(.021)	(.022)	(.022)	(.032)	(.022)	(.022)	(.022)	(.035)	(.044)	(.048)	(.048)	(.145)
skill	−.044***	−.046*	−.046***	−.055	−.048***	−.049***	−.049***	−.070	.025	.016	.016	−.955
	(.012)	(.114)	(.013)	(.042)	(.013)	(.013)	(.096)	(.044)	(.028)	(.029)	(.029)	(.416)
year		Yes				Yes				Yes		
congress			Yes				Yes				Yes	
State				Yes				Yes				Yes
cons	1.318***	1.575***	1.502***	.324*	1.408***	1.661***	1.631***	.881	−.199	.401	−.508	−10.026
	(.355)	(.371)	(.354)	(1.044)	(.356)	(.369)	(.354)	(1.057)	(.791)	(.834)	(.829)	(9.631)
obs	4,255	4,255	4,255	4,255	4,058	4,058	4,058	4,058	197	197	197	183[a]

* significant at .10 level. ** significant at .05 level. *** significant at .01 level. Standard errors clustered by legislator. "rep" is the party affiliation of a legislator. "fb" is the foreign-born percentage of the total population in a district. "rep * fb" is the interaction between the party affiliation of a legislator and the foreign-born percentage of the total population in a district. "skill" is the percentage of the working-age population in a district with a bachelor's degree or higher. "year" represents year fixed effects. "congress" represents congress fixed effects. "state" represents state fixed effects. "con" is the constant. "obs" is the number of observations in each model. [a] Arizona, Kansas, Maine, and West Virginia dropped due to perfect collinearity.

Table 3.7

Model	73	74	75	76	77	78	79	80	81	82	83	84
rep	1.653***	1.714***	1.714***	1.502*	1.664***	1.738***	1.738***	1.389	2.102	2.166	2.166	5.128
	(.679)	(.686)	(.686)	(.897)	(.682)	(.693)	(.693)	(.892)	(1.444)	(1.509)	(1.509)	(3.606)
cit	.006	.006	.006	−.002	.004	.006	.006	−.004	.037	.034	.034	.163
	(.013)	(.013)	(.013)	(.025)	(.013)	(.013)	(.013)	(.026)	(.023)	(.023)	(.023)	(.125)
rep*cit	−.109	−.021	−.021	−.017	−.018	−.020	−.020	−.012	−.065*	−.065*	−.065*	−.146
	(.016)	(.022)	(.016)	(.019)	(.016)	(.016)	(.016)	(.019)	(.037)	(.039)	(.039)	(.091)
skill	−.061***	−.063***	−.063***	−.021	−.065***	−.067***	−.067***	−.043	−.014	−.019	−.019	.759**
	(.014)	(.014)	(.014)	(.052)	(.014)	(.014)	(.014)	(.054)	(.029)	(.029)	(.029)	(.361)
year		Yes				Yes				Yes		
congress			Yes				Yes				Yes	
State				Yes				Yes				Yes
cons	1.215**	1.489***	1.376***	.518	1.338***	1.598***	1.526***	.982	−1.039	−.381	−1.277	−12.487
	(.518)	(.545)	(.521)	(1.067)	(.526)	(.555)	(.531)	(1.082)	(1.050)	(1.099)	(1.067)	(10.004)
obs	4,255	4,255	4,255	4,255	4,058	4,058	4,058	4,058	197	197	197	183[a]

* significant at .10 level. ** significant at .05 level. *** significant at .01 level. Standard errors clustered by legislator. "rep" is the party affiliation of a legislator. "cit" is the naturalized citizen population in a district. "rep * cit" is the interaction between the party affiliation of a legislator and the naturalized citizen population in a district. "skill" is the percentage of the working-age population in a district with a bachelor's degree or higher. "year" represents year fixed effects. "congress" represents congress fixed effects. "state" represents state fixed effects. "con" is the constant. "obs" is the number of observations in each model. [a] Arizona, Kansas, Maine, and West Virginia dropped due to perfect collinearity.

Table 3.8

Model	85	86	87	88	89	90	91	92	93	94	95	96
rep	−.224	−.321	−.321	−.007	−.060	−.176	−.176	.439	−4.228*	−4.255*	−4.255*	−9.323*
	(.937)	(.940)	(.940)	(1.126)	(.932)	(.939)	(.939)	(1.115)	(2.245)	(2.385)	(2.385)	(5.407)
non	−.005	−.005	−.005	.007	−.004	−.005	−.005	.008	−.033	−.032	−.032	−.151
	(.013)	(.013)	(.013)	(.026)	(.013)	(.013)	(.013)	(.027)	(.023)	(.022)	(.022)	(.124)
rep*non	.018	.019	.019	.014	.017	.018	.018	.007	.062*	.064*	.064*	.143
	(.016)	(.016)	(.016)	(.020)	(.016)	(.016)	(.016)	(.019)	(.036)	(.038)	(.038)	(.089)
skill	−.061***	−.063***	−.063***	−.016	−.064***	−.067	−.067***	−.040	−.012	−.019	−.019	.788**
	(.014)	(.014)	(.014)	(.051)	(.014)	(.014)	(.014)	(.053)	(.029)	(.029)	(.029)	(.353)
year		Yes				Yes				Yes		
congress			Yes				Yes				Yes	
State				Yes				Yes				Yes
cons	1.738*	2.073**	1.957**	−.106	1.751*	2.098**	2.024	.294	2.373	2.904*	2.002	2.387
	(.971)	(.979)	(.988)	(2.481)	(.976)	(.985)	(.996)	(2.589)	(1.773)	(1.731)	(1.751)	(13.132)
obs	4,255	4,255	4,255	4,255	4,058	4,058	4,058	4,058	197	197	197	183[a]

* significant at .10 level. ** significant at .05 level. *** significant at .01 level. Standard errors clustered by legislator. "rep" is the party affiliation of a legislator. "non" is the non-citizen population in a district. "rep * non" is the interaction between the party affiliation of a legislator and the non-citizen population in a district. "skill" is the percentage of the working-age population in a district with a bachelor's degree or higher. "year" represents year fixed effects. "congress" represents congress fixed effects. "state" represents state fixed effects. "con" is the constant. "obs" is the number of observations in each model. [a] Arizona, Kansas, Maine, and West Virginia dropped due to perfect collinearity.

probability of voting yea on restrictive immigration-related legislation is approximately .69, meaning just under seven out of every ten times.[21] For Democratic senators the predicted probability is approximately .43, meaning Democratic senators vote yea on restrictive immigration-related legislation just over four out of every ten times.[22] Republican senators are thus 1.6 times more likely than Democratic senators are to vote yea. These predicted probabilities are stable for analyses of the foreign-born percentage of the total population in a state, the naturalized citizen population, and the foreign-born noncitizen population. Recall that in the House, the commensurate predicted probabilities for Republican and Democratic representatives are .89 and .24, respectively. This means that Republican senators are less likely than Republican representatives, and Democratic senators are more likely than Democratic representatives, to vote yea on restrictive immigration-related legislation. Figure 3.12 graphically depicts the results. As partisan divides are less wide in the Senate, the y-axes in the figure for both Republican and Democratic senators have the same range. I further

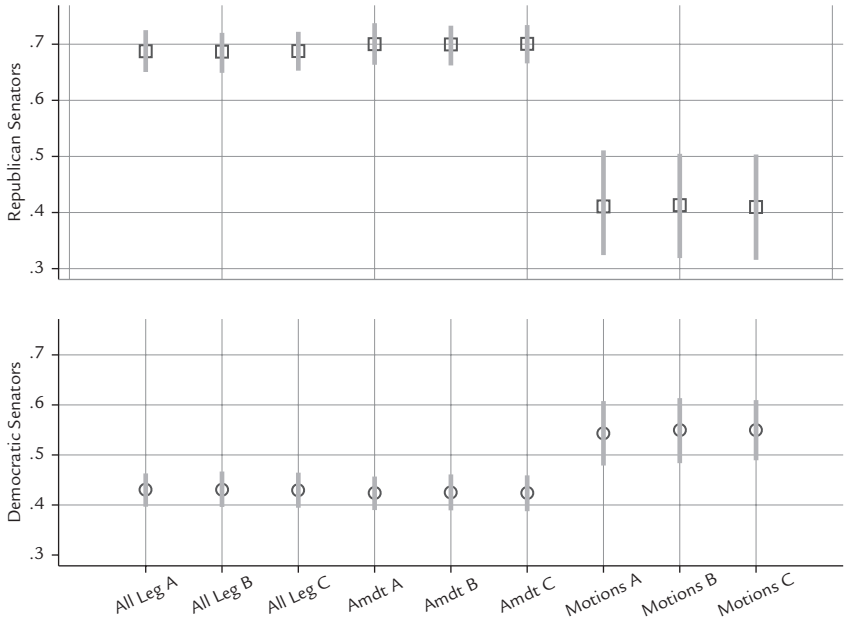

Figure 3.12 Predicted probability of voting yea on restrictive immigration-related legislation for Republican and Democratic senators. Hollow squares refer to Republican senators. Hollow circles refer to Democratic senators. The bars represent the 95 percent confidence interval around the predicted probabilities. "All Leg A" refers to the analysis of all restrictive immigration-related legislation when accounting for the foreign-born percentage of the total population. "All Leg B" refers to the analysis of all restrictive immigration-related legislation when accounting for the naturalized citizen population. "All Leg C" refers to the analysis of all restrictive immigration-related legislation when accounting for the foreign-born noncitizen population. "Amdt" refers to votes on amendments. "Motions" refer to votes on motions (e.g., cloture votes).

note that despite many cloture votes, there are no final passage votes on restrictive immigration-related legislation in the Senate during the post-H.R. 4437 period.

3.3.3 The Foreign-Born Population and Voting on Restrictive Immigration-Related Legislation in the Senate

The results reveal a second important distinction between the Senate and the House. Whereas the foreign-born percentage of the total population in a state is statistically significantly related to voting on restrictive immigration-related legislation in the Senate, and in the hypothesized direction, the naturalized citizen and the foreign-born noncitizen populations are not. These results suggest that senators are more responsive to the foreign-born population in toto than they are to any of its constituent parts. It would be premature to conclude that an electoral mechanism does not exist in the Senate, as it may be that the electoral mechanism runs through the entire foreign-born percentage of the total population in a state, or that immigrant communities, whether naturalized or not, impinge on the electoral calculus of senators in ways that extend beyond voting. I discuss these possibilities in more detail below.

Uncertainty about the electoral mechanism notwithstanding, the results reveal a third important distinction between the Senate and the House, which centers on the magnitude of the effect of the foreign-born population. As Figure 3.13 makes clear, when the foreign-born percentage of the total population in a state is zero, the predicted probability that Democratic senators vote yea on restrictive immigration-related legislation is .51, meaning just over five out of every ten times. When the foreign-born population in a state is 5 percent, the upper bound of the 95 percent confidence interval around the predicted probability of a yea vote remains above .5. Put otherwise, when the foreign-born percentage of the total population in a state is 5 percent or lower, Democratic senators have a coin flip's chance of voting yea on restrictive immigration-related legislation. To provide another example, when the foreign-born population increases from 10 percent to 15 percent, which represents a change from the average for Democratic senators to the 75th percentile, the data indicate that the predicted probability that Democratic senators vote yea decreases from .43 to .39. For Republican senators, the results also show a decreasing trend. The data indicate that when the foreign-born percentage of the total population in a state is zero, the predicted probability that Republican senators vote yea on restrictive immigration-related legislation is .72, meaning just

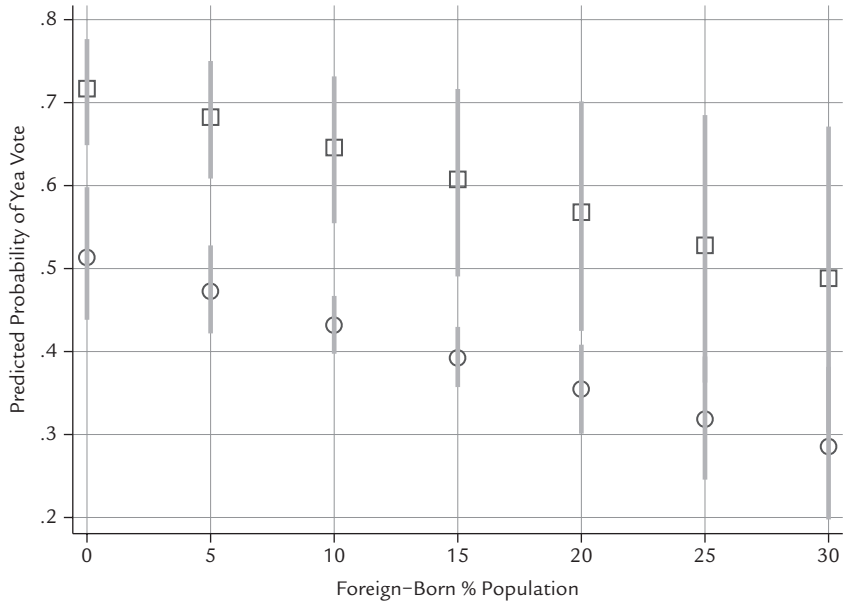

Figure 3.13 Predicted probability of voting yea on restrictive immigration-related legislation for Republican and Democratic senators as the foreign-born percentage of the total population in a state increases. Hollow squares refer to Republican senators. Hollow circles refer to Democratic senators. The bars represent the 95 percent confidence interval around the predicted probabilities.

over seven out of every ten times. As Figure 3.13 also shows, at the highest levels of the foreign-born population in a state, yea votes by Republican senators can potentially become no votes. The wide confidence intervals around the estimates, however, make it unclear whether this is a systematic trend. To provide another example, when the foreign-born percentage of the total population in a state increases from 5 percent to 10 percent, which represents a change from the average for Republican senators to the 75th percentile, the data indicate that the predicted probability that Republican senators vote yea on restrictive immigration-related legislation decreases from .68 to .65.

3.3.4 Disaggregating Restrictive Immigration Policies in the Senate

Table 3.9 reports the results when re-running the analyses while distinguishing between restrictive legal admissions, border security, interior immigration enforcement, and immigrant integration policies. Efforts to eliminate the guestworker program as part of the Comprehensive Immigration Reform Act of 2007 provide examples of legislation in

Table 3.9

	Legal Admissions Policies			Border Security Policies			Interior Immigration Enforcement Policies			Immigrant Integration Policies		
Model	97	98	99	100	101	102	103	104	105	106	107	108
rep	−.330	.638	−1.642	−.173	1.091	−.902	−.059	−.473	3.221**	1.848***	3.381***	.314
	(.238)	(.774)	(1.042)	(.286)	(.969)	(1.455)	(.304)	(1.117)	(1.652)	(.419)	(1.292)	(1.693)
fb	−.009			−.010			−.065***			−.099***		
	(.014)			(.016)			(.017)			(.026)		
rep*fb	−.012			.043			.091			.048		
	(.021)			(.028)			(.029)			(.041)		
cit		.023			.012			−.014			−.009	
		(.015)			(.016)			(.019)			(.023)	
rep*cit		−.024			−.023			.034			−.031	
		(.018)			(.024)			(.027)			(.029)	
non			−.022			−.006			−.010			.009
			(.015)			(.016)			(.019)			(.023)
rep*non			.022			.018			−.039			.031
			(.018)			(.024)			(.027)			(.029)
skill	−.061***	−.075***	−.075***	−.019	−.022	−.019	.024	−.014	−.013	−.065***	−.099***	−.099***
	(.017)	(.015)	(.015)	(.019)	(.019)	(.019)	(.019)	(.019)	(.019)	(.023)	(.026)	(.026)
cons	2.159***	1.454**	3.680***	1.614***	1.053	1.833	.488	.262	1.416***	1.367**	1.869**	.971
	(.494)	(.739)	(1.025)	(.497)	(.673)	(1.238)	(.581)	(.963)	(1.297)	(.601)	(.936)	(1.805)
obs	1,456	1,456	1,456	478	478	478	390	390	390	1,931	1,931	1,931

* significant at .10 level. ** significant at .05 level. *** significant at .01 level. Standard errors clustered by legislator. "rep" is the party affiliation of a legislator. "fb" is the foreign-born percentage of the total population in a district. "rep * fb" is the interaction between the party affiliation of a legislator and the foreign-born percentage of the total population in a district. "cit" is the naturalized citizen population in a district. "rep * cit" is the interaction between the party affiliation of a legislator and the naturalized citizen population in a district. "non" is the non-citizen population in a district. "rep * non" is the interaction between the party affiliation of a legislator and the non-citizen population in a district. "skill" is the percentage of the working-age population in a district with a bachelor's degree or higher. "year" represents year fixed effects. "congress" represents congress fixed effects. "state" represents state fixed effects. "con" is the constant. "obs" is the number of observations in each model.

the Senate categorized as restrictive and related to legal admissions. The Hoeven-Corker amendment to S. 744, also known as the "border surge," which sought to add 20,000 additional Border Patrol agents and mandated the completion of 700 miles of pedestrian border fencing, among other border security measures, provides an example of legislation categorized as restrictive and related to border security. A motion to table an amendment to the Comprehensive Immigration Reform Act of 2006 that sought to allow waivers of removal (i.e., relief from deportation) under certain circumstances provides an example of legislation categorized as restrictive and related to interior immigration enforcement. Last, numerous efforts to prevent undocumented immigrants from adjusting their immigration status as part of broader comprehensive immigration reform efforts in 2006, 2007, and 2013 provide examples of legislation categorized as restrictive and related to immigrant integration.

When restrictive legal admissions and border security policies are analyzed separately, the results show that neither partisanship nor the components of the foreign-born population are statistically significantly related to the voting behavior of senators. This suggests that one reason partisan divides over immigration are less wide in the Senate than they are in the House is because there is general agreement between Democratic and Republican senators when it comes to these policies. A closer look at the data indicate that of the 817 yea votes cast on restrictive legal admissions policies, Democratic senators cast 419 of these votes and Republican senators cast the remaining 398 votes. These numbers are reflective of the ways in which guestworker programs create strange political bedfellows. When it comes to restrictive border security policies, a closer look at the data indicate that of the 355 yea votes cast, Democratic senators cast 163 of these votes and Republican senators cast the remaining 192 votes.

In analyzing restrictive interior immigration enforcement policies in the Senate, whereas the results show that partisanship is inconsistently statistically significantly related to voting, we see that as the foreign-born percentage of the total population in a state increases, the predicted probability that a senator votes yea decreases. In fact, when the foreign-born population in a state is zero, the predicted probability that both Democratic and Republican senators vote yea on restrictive interior immigration enforcement policies is approximately .75, meaning between seven and eight out of every ten times. For Democratic senators, when the foreign-born population in a state is 10 percent, which is about the average for Democratic senators, the predicted probability of a yea vote is .62. For Republican senators, when the foreign-born population in a state is 5 percent, which

is about the average for Republican senators, the predicted probability of a yea vote is .67. In other words, both Democratic and Republican senators are more likely than not to vote yea on restrictive interior immigration enforcement policies at average levels of the foreign-born percentage of the total population in a state. For Democratic senators, likely yea votes become likely no votes when the foreign-born population in a state is 25 percent. For Republican senators, likely yea votes may also become likely no votes when the foreign-born population in a state is 25 percent; however, the wide confidence intervals around the estimates make it unclear whether this is a systematic trend. Before taking this result too far, it is important to note that only four states currently have foreign-born populations of 20 percent or higher, these being California, New York, New Jersey, and Florida.

The strongest results obtain when restrictive immigrant integration policies are analyzed; for the Senate, this includes several votes aimed at preventing undocumented immigrants from adjusting their immigration status. With respect to partisanship, the data indicate that the predicted probability that Republican senators vote yea is .77, meaning nearly eight out of every ten times. The predicted probability that Democratic senators vote yea is .19, meaning just fewer than two out of every ten times. Put otherwise, Republican senators are four times more likely than Democratic senators are to vote yea on restrictive immigrant integration policies. With respect to the foreign-born population, the data indicate that for Democratic senators, a change in the foreign-born percentage of the total population in a state from zero to 30 percent decreases the predicted probability that Democratic senators vote yea from .38 to .04. When the foreign-born population increases from 10 percent to 15 percent, which represents a change from the average for Democratic senators to the 75th percentile, the data indicate that the predicted probability that Democratic senators vote yea decreases from .19 to .12. For Republican senators, the data indicate that when the foreign-born percentage of the total population in a state is zero, the predicted probability that Republican senators vote yea on restrictive immigrant integration policies is .82. However, the data further indicate that likely yea votes become likely no votes when the foreign-born population in a state is 15 percent. I note here that a full fifteen states are currently near, at, or have already surpassed this threshold. The wide confidence intervals around the estimates, however, make it unclear whether this is a systematic trend, which means that care should be taken when interpreting this result.

Figure 3.14 depicts how partisanship affects voting on the restrictive components of comprehensive immigration reform in the Senate. Figure 3.15

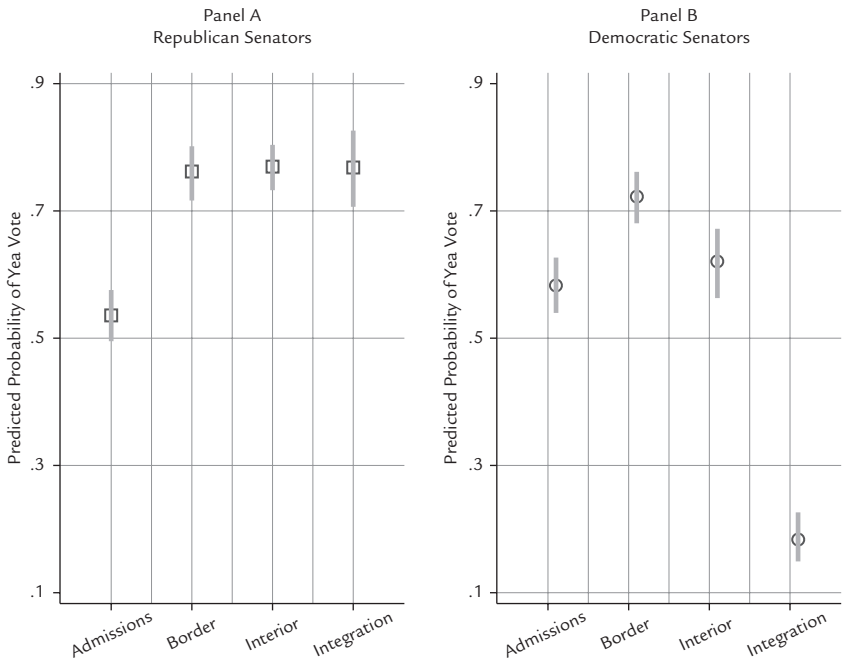

Figure 3.14 Predicted probability of voting yea on restrictive immigration-related legislation for Republican and Democratic senators. Hollow squares refer to Republican senators. Hollow circles refer to Democratic senators. The bars represent the 95 percent confidence interval around the predicted probabilities.

shows how the predicted probability of voting yea on restrictive immigration-related legislation changes as the foreign-born percentage of the total population in a state increases for both Republican and Democratic senators. Panel A in Figure 3.15 shows analysis of restrictive legal admissions policies. Panel B shows analysis of restrictive border security policies. Panel C shows analysis of restrictive interior immigration enforcement policies. Panel D shows analysis of restrictive immigrant integration policies.

3.3.5 Analyzing Permissive Immigration Policies in the Senate

This section turns to permissive immigration-related legislation in the Senate. The full results are reported in the Appendix. Table A.5 shows analysis of the impact of the foreign-born percentage of the total population in a district. Table A.6 shows analysis of the naturalized citizen population. Table A.7 shows analysis of the foreign-born noncitizen population.

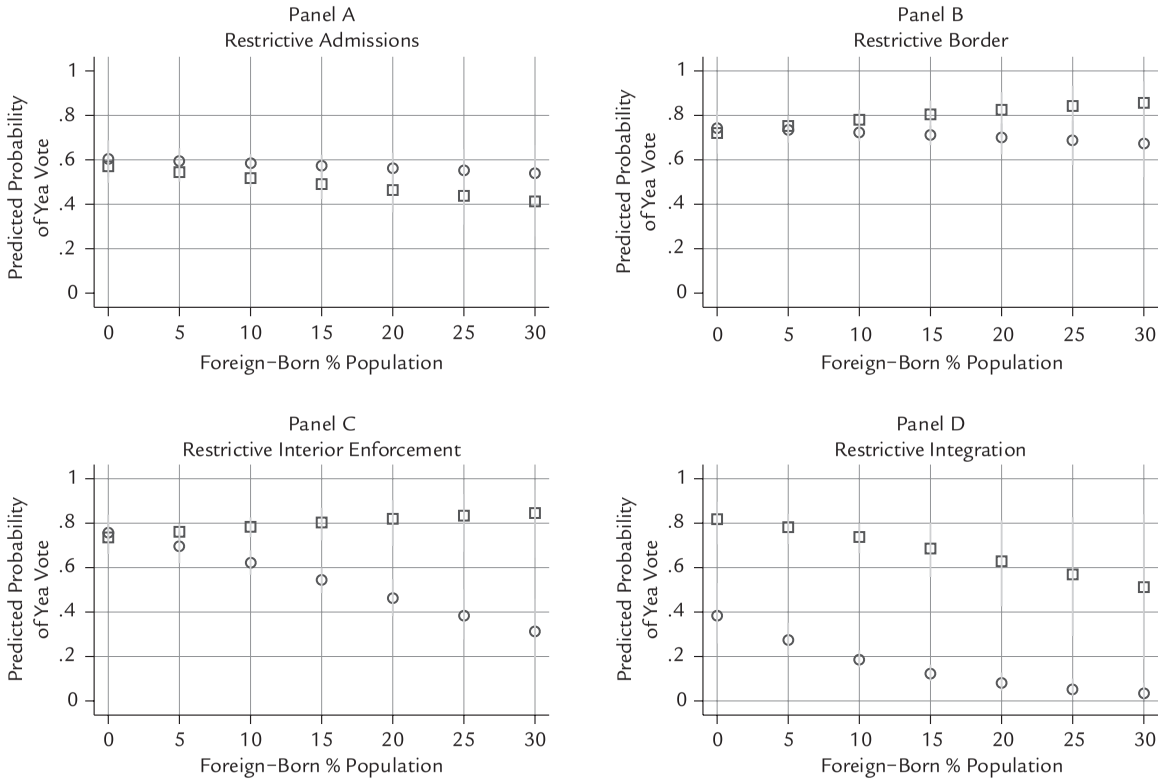

Figure 3.15 Predicted probability of voting yea on restrictive immigration-related legislation for Republican and Democratic senators as the foreign-born percentage of the total population in a state increases, distinguishing between restrictive legal admissions (Panel A), restrictive border security (Panel B), restrictive interior immigration enforcement (Panel C), and restrictive immigrant integration (Panel D) policies. Hollow squares refer to Republican senators. Hollow circles refer to Democratic senators. The bars represent the 95 percent confidence interval around the predicted probabilities.

3.3.6 Partisanship and Voting on Permissive Immigration Policies in the Senate

Partisan divides are wider in the Senate when senators are voting on permissive immigration-related legislation than they are when voting on restrictive immigration-related legislation. Figure 3.16 graphically depicts the predicted probability of voting yea for Democratic and Republican senators while distinguishing between all votes, final passage votes, and votes on amendments. As the figure shows, Democratic senators are more likely than Republican senators are to vote yea on permissive immigration-related legislation. When all votes on permissive immigration-related legislation are analyzed, the predicted probability that Democratic senators vote yea is approximately .88, meaning just under nine out of every ten times. For Republican senators, the commensurate predicted probability is approximately .29. In other words, Democratic senators are 3 times more likely than Republican senators are to vote yea. Moreover, whereas the results for the House show that the voting behavior of Democratic

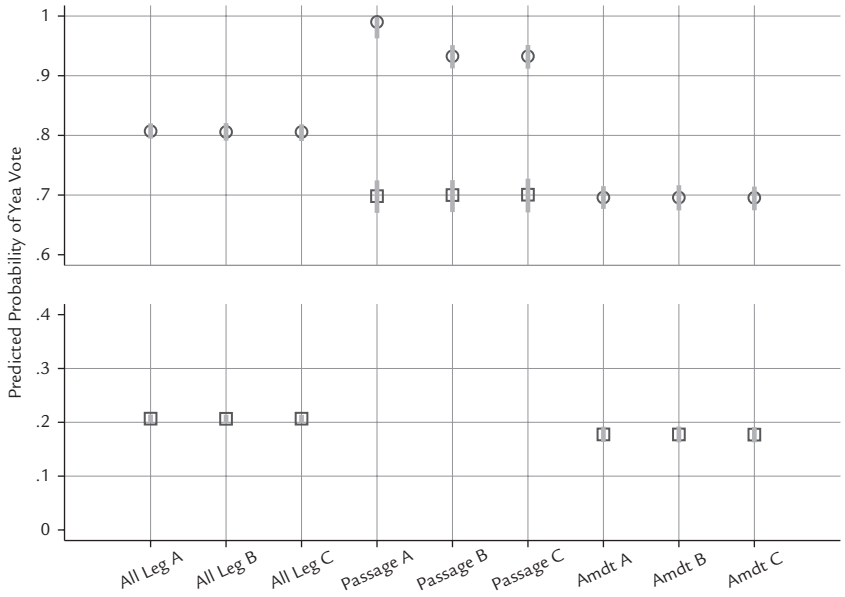

Figure 3.16 Predicted probability of voting yea on permissive immigration-related legislation for Democratic and Republican senators. Hollow circles refer to Democratic senators. Hollow squares refer to Republican senators. The bars represent the 95 percent confidence interval around the predicted probabilities. "All Leg A" refers to the analysis of all permissive immigration-related legislation when accounting for the foreign-born percentage of the total population. "All Leg B" refers to the analysis of all permissive immigration-related legislation when accounting for the naturalized citizen population. "All Leg C" refers to the analysis of all permissive immigration-related legislation when accounting for the foreign-born noncitizen population. "Passage" refers to final passage votes. "Amdt" refers to votes on amendments.

representatives varies by type of vote, the results for the Senate show that the voting behavior of Democratic senators is generally stable. In contrast, the voting behavior of Republican senators varies significantly by type of vote. More specifically, when only final passage votes are analyzed, the predicted probability that Republican senators vote yea on permissive immigration-related legislation ranges between .57 and .59. Put otherwise, Republican senators are more likely than not to vote yea. It is important to note that the lower bound of the 95 percent confidence interval around the estimates falls below .5, which means that caution should be exercised before generalizing too much from this result. Moreover, only two votes, the Violence against Women Reauthorization Act (VAWA) of 2012 and the Violence against Women Reauthorization Act of 2013, are categorized as permissive and as final passage votes in the entire sample of legislation analyzed. As VAWA provides immigration relief (i.e., legal admissions) to vulnerable groups of people under certain circumstances, it is unclear whether partisan divides in the Senate would attenuate to the degree depicted in the figure if more controversial pieces of legislation also found their way to final passage votes.

3.3.7 The Foreign-Born Population and Voting on Permissive Immigration-Related Legislation in the Senate

Analysis of permissive immigration-related legislation in the Senate adds further evidence to suggest that senators are less responsive than representatives are to the foreign-born population. The results show that the foreign-born percentage of the total population in a state, the naturalized citizen population, and the foreign-born noncitizen population are not consistently statistically significantly related to the voting behavior of senators. Final passage votes provide an exception. As the foreign-born population in a state increases, the predicted probability that senators vote yea also increases. The same is true for the naturalized citizen population. However, the foreign-born noncitizen population has the opposite effect. As previously discussed, the small number of final passage votes on permissive immigration-related legislation in the Senate makes it unclear how generalizable these results are, particularly when it comes to more controversial immigration policies. Altogether, the results suggest that legislative responsiveness to the foreign-born population diverge between the Senate and the House. Moreover, in the Senate, whereas the foreign-born percentage of the total population in a state may correlate with senators pushing back against restrictive immigration policies, this

does not necessarily mean that senators also embrace permissive immigration policies.

3.3.8 Disaggregating Permissive Immigration Policies in the Senate

Whereas partisanship and the foreign-born population in a state are inconsistently statistically significantly related to voting on permissive legal admissions and border security policies, the core trends identified in the Senate thus far hold when permissive interior immigration enforcement and immigrant integration policies are analyzed. Table A.8 in the Appendix reports the results.

Neither partisanship nor the foreign-born population are consistently significantly related to voting in the Senate when it comes to permissive legal admissions and border security policies. With respect to permissive legal admissions policies, a closer look at the data indicates that among the six pieces of legislation analyzed that are categorized as permissive and related to legal admissions, Republican senators joined Democratic senators to cast 133 of the 398 total yea votes and Democratic senators joined Republican senators in casting 79 of the 285 total no votes. Voting across the aisle dilutes the effects of partisanship. Moreover, as senators casting yea and no votes represent similarly diverse state-level demographic contexts, this dilutes the effects of the components of the foreign-born population in a state. The data indicate similar trends in voting on permissive border security policies. The two pieces of legislation categorized as permissive and related to border security both sought to add more oversight of the Customs and Border Protection agency. Republican senators joined Democratic senators in casting 56 of the 161 yea votes. In contrast, the results show that partisanship and the foreign-born population are statistically significantly related to voting in the Senate when it comes to permissive interior immigration enforcement and immigrant integration policies. With respect to permissive interior immigration enforcement policies, the effects of the foreign-born percentage of the total population in a state are concentrated mostly with Democratic senators. Interestingly, however, for Republican senators, the predicted probability of voting yea increases as the foreign-born population in a state increases. The erratic behavior of the confidence intervals, however, casts doubt on whether this is a systematic trend. More specifically, of the two pieces of legislation categorized as permissive and related to interior immigration enforcement (one sought to allow immigration courts to stay the removal of

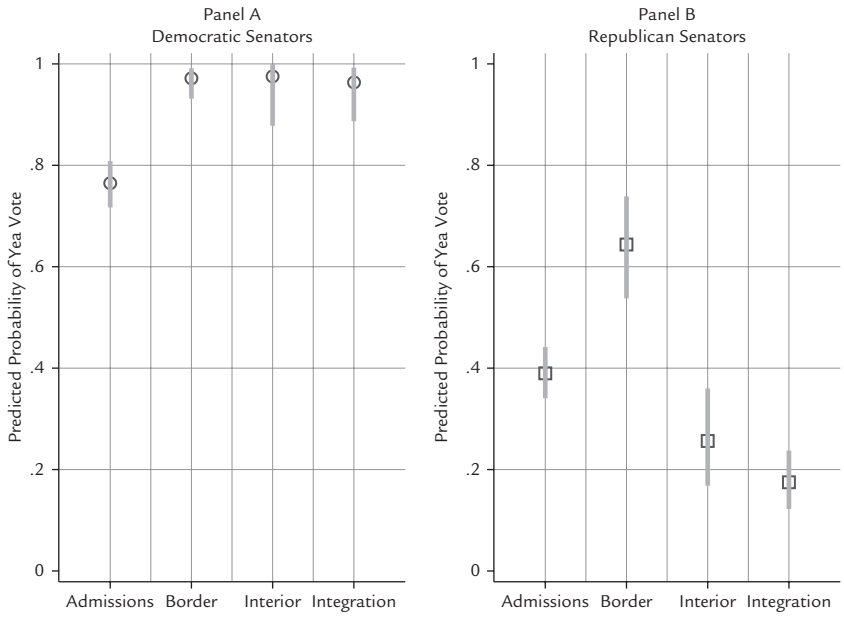

Figure 3.17 Predicted probability of voting yea on permissive immigration-related legislation for Democratic and Republican senators. Hollow circles refer to Democratic senators. Hollow squares refer to Republican senators. The bars represent the 95 percent confidence interval around the predicted probabilities.

individuals under certain circumstances and the other sought to limit the penalties imposed on employers who unknowingly employ undocumented immigrants), Republican senators joined Democratic senators in casting 27 of the total 111 yea votes. These twenty-seven Republican senators represent states with foreign-born populations that range from a low of 3 percent to a high of 18 percent. The results for permissive immigrant integration policies largely mirror the results for permissive interior immigration enforcement policies.

Figure 3.17 depicts how partisanship affects voting on the permissive components of comprehensive immigration reform in the Senate. Figure 3.18 shows how the predicted probability of voting yea on permissive immigration-related legislation changes as the foreign-born percentage of the total population in a state increases for both Democratic and Republican senators. Panel A in Figure 3.18 shows the analysis of permissive legal admissions policies. Panel B shows the analysis of permissive border security policies. Panel C shows the analysis of permissive interior immigration enforcement policies. Panel D shows the analysis of permissive immigrant integration policies.

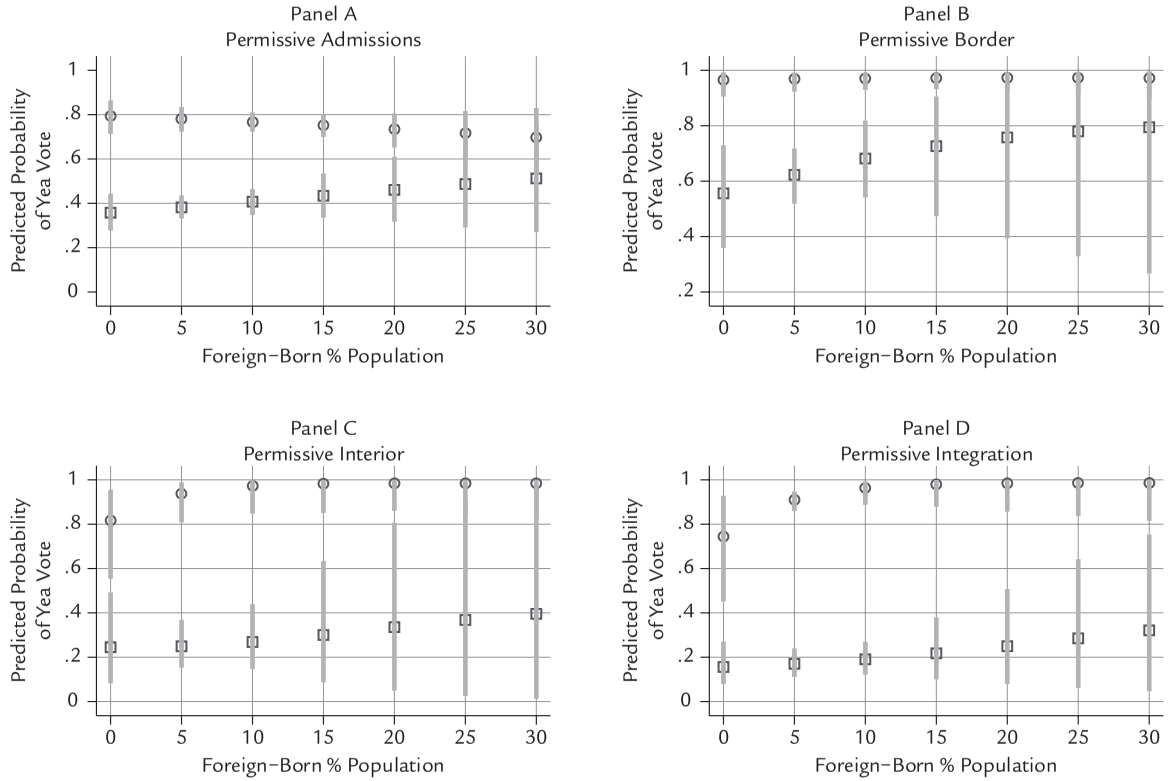

Figure 3.18 Predicted probability of voting yea on permissive immigration-related legislation for Democratic and Republican senators as the foreign-born percentage of the total population in a state increases, distinguishing between permissive legal admissions (Panel A), permissive border security (Panel B), permissive interior immigration enforcement (Panel C), and permissive immigrant integration (Panel D) policies. Hollow circles refer to Democratic senators. Hollow squares refer to Republican senators. The bars represent the 95 percent confidence interval around the predicted probabilities.

3.4 DISCUSSION

3.4.1 Partisanship and the New Demographic Normal: Restrictive Immigration-Related Legislation in the House

In analyzing all restrictive immigration-related legislation in the House, the data indicate that Republican representatives are 3.7 times more likely than Democratic representatives are to vote yea. Whereas the likelihood that Republican representatives vote yea is approximately 89 percent, the likelihood that Democratic representatives vote yea is approximately 24 percent. Reflective of the partisan gridlock over comprehensive immigration reform in the House, partisan divides are shown to be most acute in the analysis of final passage votes. With final passage votes on restrictive immigration-related legislation in the House, the data indicate that Republican representatives are 4.2 times more likely than Democratic representatives are to vote yea. Whereas the likelihood that Republican representatives vote yea is approximately 96 percent, the likelihood that Democratic representatives vote yea is approximately 23 percent.

The data further indicate that this gridlock is not specific to H.R. 4437 or to interior immigration enforcement policies. From the 109th to the 113th Congress, the legislation analyzed includes two final passage votes on restrictive legal admissions policies. One of these votes is the STEM Jobs Act of 2012, which sought to increase visas for skilled workers by eliminating the Diversity Immigrant Visa Program, which makes 50,000 visas available annually for individuals from countries with historically low rates of immigration to the United States. This bill was passed by a near party line vote: 218 out of 223 Republican representatives, or 98 percent, voted yea, whereas only 27 out of 161 Democratic representatives, or 17 percent, voted yea. The second vote is the VAWA Reauthorization Act of 2012. This version of the bill was an attempt to restrict pathways to legal immigration (i.e., the U-Visa) for immigrants who are victims of certain crimes. This bill was also passed by a party line vote: 216 out of 239 Republican representatives, or 90 percent, voted yea, whereas just 6 out of 188 Democratic representatives, or 3 percent, voted yea. Three final passage votes on restrictive border security policies are also analyzed. The most prominent of these votes is the Secure Fence Act of 2006. Party discipline was high among Republican representatives on this vote, as 219 out of 225 Republican representatives, or 97 percent, voted yea. However, many Democratic representatives broke ranks and voted with Republican representatives, more specifically, 64 out of 196 Democratic representatives, or 33 percent, voted yea. H.R. 4437, which we have already discussed in great detail, is among the three final passage votes on restrictive interior immigration enforcement policies analyzed. Another one of these bills is the Immigration Law Enforcement Act of 2006, which affirms the authority of state and local law enforcement officials to assist in the enforcement of federal immigration

laws and further states that this "authority has never been displaced or preempted by Congress."[23] Among the Republican representatives, 215 out of 220, or 98 percent, voted yea. Concerns over giving states and localities carte blanche in the enforcement of federal immigration laws divided Democratic representatives. Thus, 62 out of 197 Democratic representatives, or 31 percent, voted yea. Last, among the three final passage votes on restrictive immigrant integration policies analyzed, two of these votes represent attempts to end the use of prosecutorial discretion by the Obama administration. These two votes were strict party line votes. Among Republican representatives, 212 out of 223 or 95 percent voted yea on H.R. 5272, "To Prohibit Certain Actions with Respect to Deferred Action for Aliens Not Lawfully Present in the United States, and for Other Purposes." Just 4 out of 185 Democratic representatives, or 2 percent, voted yea. Similarly, 216 out of 223 Republican representatives, or 97 percent, voted yea on the Preventing Executive Overreach on Immigration Act of 2014. Just 3 out of 193 Democratic representatives, or 2 percent, voted yea.

The results further confirm our second hypothesis about immigrant political agency. As the foreign-born percentage of the total population in a political district increases, the likelihood that a legislator votes for restrictive immigration-related legislation decreases. This holds when all votes are analyzed, as well as in the analysis of final passage votes, votes on amendments, and votes on motions and resolutions. The results also provide evidence in support of the electoral mechanism and the counterfactual. But at the same time, the results show that the voting behavior of Republican representatives is less elastic to changing demographics. An important question is thus whether the data point to any potential threshold effects. In other words, do yea votes become no votes, or vice versa, at certain levels of the foreign-born percentage of the total population in a political district? In the analysis of all restrictive immigration-related legislation in the House, yea votes remain yea votes for Republican representatives and no votes remain no votes for Democratic representatives over the entire range of the foreign-born percentage of the total population.[24] However, unpacking all restrictive immigration-related legislation into the component parts of comprehensive immigration reform reveals potential threshold effects.

Potential threshold effects exist when it comes to final passage votes on restrictive interior immigration enforcement and restrictive immigrant integration policies. For Republican representatives, the data indicate that when the foreign-born percentage of the total population in a district is 46 percent, yea votes become no votes on the final passage of restrictive interior immigration enforcement policies. H.R. 4437 provides an example. Seventeen Republican representatives voted against the bill. The data indicate that the foreign-born percentage of the total population in the districts of these seventeen representatives was, on average, double that of the Republican representatives who

voted yea ($p = .001$). These representatives included Lincoln Diaz-Balart and Ileana Ros-Lehtinen, who represented districts with foreign-born populations of 55 percent and 53 percent, respectively. Moreover, for Republican representatives, the data indicate that when the foreign-born percentage of the total population in a district is 48 percent, yea votes become no votes on the final passage of restrictive immigrant integration policies. The Preventing Executive Overreach on Immigration Act of 2014 provides an example. Seven Republican representatives voted against the bill. The data indicate that the foreign-born percentage of the total population in the districts of these seven representatives is, on average, more than three times that of the Republican representatives who voted yea ($p < .000$). These representatives include Ileana Ros-Lehtinen, Mario Diaz-Balart, David Valadao, and Jeff Denham, who represent districts with foreign-born populations of 55 percent, 53 percent, 28 percent, and 21 percent, respectively. Caution, however, should be exercised in interpreting these results, as the wide confidence intervals around the estimates makes it unclear whether these are systematic trends.

Potential threshold effects may also exist for Democratic representatives when it comes to final passage votes on restrictive border security and restrictive interior immigration enforcement policies. For Democratic representatives, the data indicate that when the foreign-born percentage of the total population in a district is 8 percent or lower, no votes become yea votes on the final passage of restrictive border security policies. There are currently forty-eight Democratic-controlled districts spread across thirty states with foreign-born populations of 8 percent or lower. Moreover, for Democratic representatives, the data indicate that when the foreign-born percentage of the total population in a district is 6 percent or lower, no votes become yea votes on the final passage of restrictive interior immigration enforcement policies. There are currently thirty-one Democratic-controlled districts spread across twenty states with foreign-born populations of 6 percent or lower.

3.4.2 Partisanship and the New Demographic Normal: Permissive Immigration-Related Legislation in the House

In analyzing all permissive immigration-related legislation in the House, the data indicate that Democratic representatives are 3.9 times more likely than Republican representatives are to vote yea. Whereas the likelihood that Democratic representatives vote yea is approximately 81 percent, the likelihood that Republican representatives vote yea is approximately 21 percent. Analyzing final passage votes, however, reveals starkly different trends. Whereas partisan gridlock characterizes the voting behavior of representatives when it comes to the final passage of restrictive immigration-related legislation, compromise characterizes the voting behavior of representatives

when it comes to the final passage of permissive immigration-related legislation. The likelihood that Democratic representatives vote yea on the final passage of permissive immigration-related legislation is between 93 and 99 percent and the likelihood that Republican representatives vote yea is approximately 70 percent. Otherwise put, the data indicate that Republican representatives are more likely than not to vote yea on the final passage of permissive immigration-related legislation. Before generalizing too much from this result, it is important to note that only three votes coded as permissive made it to final passage in the legislation analyzed. One of these votes is the Fairness for High-Skilled Immigrants Act of 2011. This bill was passed by a margin of 389 to 15. Another vote, which passed by a margin of 407 to 17, was a bill to increase non-immigrant visas for nurses.[25] Of these three votes, the Removal Clarification Act of 2010 (i.e., the DREAM Act) was the most contested. While 208 out of 246 Democratic representatives, or 85 percent, voted yea, just 8 of 168 Republican representatives, or 5 percent, voted yea.

As to the question of potential threshold effects, in the House, when all permissive immigration-related legislation is analyzed, yea votes remain yea votes for Democratic representatives and no votes remain no votes for Republican representatives over the entire range of the foreign-born percentage of the total population. However, unpacking all permissive immigration-related legislation into the component parts of comprehensive immigration reform once again reveals potential threshold effects.[26] For Republican representatives, potential threshold effects emerge when final passage votes on immigrant integration policies are analyzed. The data indicate that when the foreign-born percentage of the total population in a district is 43 percent or higher, no votes become yea votes on the final passage of permissive immigrant integration policies. However, in following with the cautionary note above, this result is driven almost exclusively by Ileana Ros-Lehtinen and Mario Diaz-Balart.

3.4.3 Voting on Comprehensive Immigration Reform Legislation in the House

The House has not voted on comprehensive immigration reform legislation during the post-H.R. 4437 period. However, it is possible to analyze the determinants of voting on comprehensive immigration reform in the House by analyzing three key votes, which include the final passage vote on H.R. 4437, an amendment to H.R. 4437 that would have further tightened interior immigration enforcement efforts, and the final passage vote on the Removal Clarification Act of 2010 (i.e., the DREAM Act).[27] Recall that H.R. 4437 included not only major reforms to interior immigration enforcement policies but also to border security policies, and that many of the border security provisions in H.R. 4437 were incorporated into the Secure Fence

Act of 2006. Amendment 667 to H.R. 4437 serves as an important tether for evaluating the voting behavior of Republican representatives. The amendment, which would have required the mandatory detention of all undocumented immigrants, as well as expanded the expedited removal authority of Border Patrol agents from the 100-mile border zone to the entire country, was voted down with 251 representatives in opposition. Seventy-seven Republican representatives joined 174 Democratic representatives in voting no. The final passage vote on the Removal Clarification Act of 2010 provides a proxy for voting on legislation that includes a pathway to citizenship for undocumented immigrants. Most of the major provisions contained in these three pieces of legislation were either included in S. 744 or continue to be a part of the current debate over comprehensive immigration reform.

In analyzing voting on legislation that approximates comprehensive immigration reform in the House, the data indicate that Democratic representatives are twenty-six times more likely than Republican representatives are to vote yea. Whereas the likelihood that Democratic representatives vote yea is approximately 95 percent, the likelihood that Republican representatives vote yea is approximately 4 percent. Indeed, as previewed by the results above, partisan gridlock over immigration policy is most acute when it comes to legislation that affects the legal status of undocumented immigrants. Consequently, partisan divides are wide when it comes to comprehensive immigration reform legislation that includes a pathway to citizenship for undocumented immigrants. But at the same time, just as we identified potential threshold effects with respect to voting on immigrant integration policies, the data indicate that as the foreign-born percentage of the total population in a political district increases, the likelihood that legislators vote for comprehensive immigration reform legislation with a pathway to citizenship also increases. However, for Republican representatives, even when the foreign-born percentage of the total population in a district is 50 percent, the likelihood of voting yea remains less than "fifty-fifty" at approximately 42 percent.

3.4.4 Partisanship and the New Demographic Normal: Restrictive Immigration-Related Legislation in the Senate

The data indicate that while partisan divides exist when it comes to restrictive immigration-related legislation in the Senate, they are less wide than they are in the House. Whereas the likelihood that Republican senators vote yea on restrictive immigration-related legislation is approximately 69 percent, the likelihood that Democratic senators vote yea is approximately 43 percent. Unpacking all restrictive immigration-related legislation is also instructive. When analyzing restrictive legal

admissions policies, Republican senators are actually less likely than Democratic senators are to vote yea. Votes on amendments to comprehensive immigration reform bills in 2006 and 2007—amendments that were designed to restrict non-immigrant admissions, in particular, temporary guestworkers—explain these trends. When restrictive interior immigration enforcement policies are analyzed, the data indicate that the likelihood that Republican senators vote yea is approximately 77 percent. The likelihood that Democratic senators vote yea is approximately 62 percent. The data further indicate that voting on restrictive border security policies is almost identical between Republican and Democratic senators. Whereas the likelihood that Republican senators vote yea is approximately 76 percent, the likelihood that Democratic senators vote yea is approximately 72 percent. Partisan divides over restrictive immigration-related legislation in the Senate are rooted in restrictive immigrant integration policies. More specifically, these divides are rooted in disagreement over policies that affect the legal status of undocumented immigrants. When restrictive immigrant integration policies are analyzed, the data indicate that the likelihood that Republican senators vote yea is approximately 77 percent. The likelihood that Democratic senators vote yea is just 18 percent.

The results for the Senate further confirm our second hypothesis about immigrant political agency. As the foreign-born percentage of the total population in a state increases, the likelihood that a senator votes for restrictive immigration-related legislation decreases. On the question of potential threshold effects, whereas yea votes generally remain yea votes for Republican senators across the entire range of the foreign-born percentage of the total population in a state,[28] we see that potential threshold effects exist for Democratic senators. More specifically, for Democratic senators, the data indicate that when the foreign-born percentage of the total population in a state is 5 percent or higher, yea votes become no votes on restrictive immigration-related legislation.

Unpacking all restrictive immigration-related legislation into the component parts of comprehensive immigration reform reveals further potential threshold effects. For Republican senators, potential threshold effects exist when it comes to opposition to restrictive legal admissions policies. The data indicate that when the foreign-born percentage of the total population in a state is 13 percent or higher, yea votes become no votes on restrictive legal admissions policies. As described above, this is explained by Republican support for the temporary guestworker program. Expectedly, yea votes remain yea votes for Republican senators across the entire range of the foreign-born population in a state, as shown in the analyses of restrictive border security, interior immigration enforcement, and immigrant integration policies. For Democratic senators, potential threshold effects exist

when it comes to opposition to restrictive interior immigration enforcement policies. The data indicate that when the foreign-born percentage of the total population in a state is 18 percent or higher, yea votes become no votes on restrictive interior immigration enforcement policies. The votes analyzed here include a vote to table an amendment to the Comprehensive Immigration Reform Act of 2006 that would have provided deportation relief for some undocumented immigrants and a vote on an amendment to the Comprehensive Immigration Reform Act of 2007 that would have expanded state and local cooperation with federal immigration enforcement authorities. Unexpectedly, yea votes remain yea votes for Democratic senators across the entire range of the foreign-born population in a state when restrictive legal admissions and border security policies are analyzed. But at the same time, no votes remain no votes across the entire range of the foreign-born population in a state when restrictive immigrant integration policies are analyzed.

3.4.5 Partisanship and the New Demographic Normal: Permissive Immigration-Related Legislation in the Senate

When all permissive immigration-related legislation in the Senate is analyzed, the data indicate that Democratic senators are three times more likely than Republican senators are to vote yea. Whereas the likelihood that Democratic senators vote yea is approximately 88 percent, the likelihood that Republican senators vote yea is approximately 29 percent. The data further indicate that partisan divides over permissive immigration-related legislation in the Senate are widest when it comes to immigrant integration policies (Democratic senators are 5.4 times more likely than Republican senators are to vote yea) and are most narrow when it comes to border security policies (Democratic senators are 1.5 times more likely than Republican senators are to vote yea).

On the question of potential threshold effects, when all permissive immigration-related legislation in the Senate is analyzed, yea votes remain yea votes for Democratic senators and no votes remain no votes for Republican senators over the entire range of the foreign-born percentage of the total population. This holds when unpacking all permissive immigration-related legislation into the component parts of comprehensive immigration reform, with two exceptions. First, concerning permissive immigrant integration policies, when the voting behavior of Democratic senators is analyzed, the results show that the lower bound of the 95 percent confidence interval intersects .5 when the foreign-born percentage of the total population in a state is zero. In other words, without any immigrants in a state, Democratic senators have a coin flip's chance of opposing or supporting these policies. However,

the wide confidence interval around the estimate makes it uncertain (and unlikely) as to whether this is a systematic trend. Second, for Republican senators, the data indicate that when the foreign-born percentage of the total population in a state is 29 percent or higher, no votes become yea votes when it comes to permissive legal admissions policies.

3.4.6 Voting on Comprehensive Immigration Reform Legislation in the Senate

Since H.R. 4437, the Senate has voted twice on the final passage of comprehensive immigration reform legislation with a pathway to citizenship for undocumented immigrants, once on the Comprehensive Immigration Reform Act of 2006 and once on S. 744 in 2013. Although multiple cloture votes were recorded, the Comprehensive Immigration Reform Act of 2007 never made it to a final passage vote.

In the analysis of voting on comprehensive immigration reform legislation with a pathway to citizenship for undocumented immigrants in the Senate, the data indicate that Democratic senators are more than three times more likely than Republican senators are to vote yea. Whereas the likelihood that Democratic senators vote yea is approximately 82 percent, the likelihood that Republican senators vote yea is approximately 25 percent. These results further confirm that partisan divides on immigration policy are less wide in the Senate than they are in the House. On the question of potential threshold effects, for Republican senators, when the foreign-born percentage of the total population in a state is 16 percent or higher, no votes become yea votes on comprehensive immigration reform with a pathway to citizenship for undocumented immigrants.

3.5 CONCLUSION

Altogether, the arguments presented in this book about the politics and determinants of immigration policymaking in the post-H.R. 4437 period stand up well in the empirical analyses. The data indicate that Republican legislators are significantly more likely than Democratic legislators are to support restrictive immigration-related legislation. Large foreign-born populations are significantly related to decreased support for these policies, even among Republican legislators in some cases. This effect holds when analyzing the naturalized citizen population, which lends evidence to support the electoral mechanism. And the foreign-born noncitizen population does not decrease support for restrictive immigration policies, which lends evidence to support the counterfactual.