

## Mass Exodus from Oklahoma? Immigrants and Latinos Stay and Weather a State of Capture

**Juan Manuel Pedroza**  
The Urban Institute

Oklahoma is at the forefront of restrictive immigration policies sweeping the country. Since 2007, the Sooner State has enacted a series of policies designed to reduce the number of immigrants in the state. Is there evidence that such policies succeeded in creating an immigrant exodus? Despite widely-cited accounts of massive flights from the state, government data suggests that most Latinos and immigrants—with the possible exception of unattached Latinos—have stayed in Oklahoma. Those who choose to withstand a hostile climate also undertake strategies to evade detection and arrest, live in a ‘state of capture,’ and risk encountering the encroaching reach of law enforcement in order to make a living. These strategies can partially account for the perception of a mass exodus.

Keywords: immigration; Latino; demography; policy; law; deportation, exodus and Oklahoma.

When immigration reform failed under the Bush Administration in 2007, those who aimed to expel unauthorized immigrants from Oklahoma and limit immigration into the United States (‘immigration control’ advocates) rallied behind policy experiments that began in the American Southwest and Southeast—especially in Arizona (Lofstrom, Bohn, & Raphael, 2011). The Oklahoma Taxpayer and Citizen Protection Act (HB 1804) was among the earliest efforts by immigration control advocates to target unauthorized immigrants, and Oklahoma continues to pass new laws. Since 2007, speculation mounted about how many people would flee the state after the law passed. Did the package of legislative and policy experiments implemented in Oklahoma starting in 2007 result in a mass exodus of immigrants or Latinos from the state?

---

Juan Manuel Pedroza is a Research Associate at The Urban Institute. Correspondence concerning this article should be addressed to Juan Manuel Pedroza, The Urban Institute, 2100 M Street NW, 5th Floor, Washington, DC, 20037. E-mail: [pedroza.juan@gmail.com](mailto:pedroza.juan@gmail.com)

Acknowledgments: The author thanks Randolph Capps (Migration Policy Institute), Glen Kuecker (DePauw University), David Blatt (Oklahoma Policy Institute), and William Gormley (Georgetown University) for their feedback, insights, suggestions, and encouragement. Also, thanks to Robin Koralek (Abt Associates) for her encouragement and guidance while conducting field work in Oklahoma. The author alone assumes responsibility for oversights.

Studying Oklahoma provides an opportunity to determine whether restrictive policies can propel an exodus amidst a resilient state economy. Most other states with similar restrictive experiments have a slumping economy, much like the rest of the nation. Analyzing states with less constrained job opportunities (such as Oklahoma) dampens confounding factors such as job losses and foreclosures affecting states with comparable policies (e.g., Arizona and Alabama). Recent work suggests restrictive measures alone cannot contract Latino student enrollment (O’Neil, 2011) or Mexican male immigration (Parrado, forthcoming) in states with stronger economies.

Analyses of geographic mobility and publicly available government data do not support claims that Oklahoma’s immigrant and Latino populations fled the state en masse after the passage of restrictive policies; which points to the failure of restrictive experiments to repel unauthorized immigrants. Although some evidence suggests that several thousand unattached Latinos may have left the state, predictions of an exodus of tens of thousands of people have not materialized. The illusion of massive flights of immigrants from Oklahoma can be explained by changes in behavior among immigrants who remained in the state, most notably strategies to evade detection from immigration officials and law enforcement.

### **Data, Methods, Literature**

This paper employs descriptive statistics to detect evidence of a mass exodus from the state. The analyses trace changes in the state's Latino (or "Hispanic") and immigrant (or "foreign born") populations since 2007. Publicly available data include geographic mobility data from the American Community Survey (ACS); public program participation data; birth statistics; and school enrollment data. Latino and immigrant populations overlap but are not synonymous. Where possible, analyses discuss Latino or immigrant sub-populations. Unlike Latino ethnicity, nativity and citizenship data are limited to the ACS. Unless otherwise noted, "immigrant" refers to all foreign born individuals and "Latino" refers to all Latinos regardless of nativity.

Both Latino and immigrant populations are growing in Oklahoma, a state of 3.75 million people. Latinos made up 5.2 percent of the state in 2000 and 8.9 percent in 2010, while immigrants comprised 3.8 percent in 2000 and 5.1 percent in 2009 (ACS, 2011; U.S. Census Bureau, 2000; U.S. Census Bureau, 2010). In 2009, an estimated 45,000 to 75,000 unauthorized immigrants lived in Oklahoma (Passel & Cohn, 2010; V. Brown, 2010a). By 2010, the estimate of unauthorized immigrants widened between 55,000 and 95,000, or 1.5 to 2.5 percent of the state (Passel & Cohn, 2011). However, most Sooners (89.8 percent) are neither Latino nor foreign born. In 2009, Latinos born in the United States comprised 5.2 percent of the state; Latin American immigrants were 3.1 percent; and other immigrants were 2.0 percent (ACS, 2011).

This paper contributes to existing literature on the effects of state and local immigration policies on immigrant communities. Most existing research on immigrant outflows following restrictive policies either (a) cannot distinguish between the effects of restrictive policies and the economic downturn or (b) documents only momentary local outflows followed by a return to previous levels of immigration (Capps, Rosenblum, Rodríguez, & Chishti, 2011; Guterbock, et al., 2010; Koralek, Pedroza, & Capps, 2009; Singer, Wilson, & DeRenzis, 2009). This paper also builds on

survey estimates which detected a recent increase in central Mexican immigrants settling in Oklahoma City (García, Griesbach, Andrade, González, & Barbosa, 2011).

Furthermore, this paper advances existing theoretical frameworks regarding how immigrants behave amidst a "culture of fear," or widespread apprehension and mistrust of law enforcement agencies (LEAs) in predominantly immigrant communities (Koralek et al., 2009). Such a heightened focus on control of the interior (Kanstrom, 2000) took firm hold of the Oklahoma Legislature and LEAs in the state. As a result, immigrants who choose to remain must navigate a 'state of capture' (Sassen, 2009), or life under siege colored by a looming sense of confinement. This paper examines how immigrants and Latinos alike deploy strategies of evasion to remain inaccessible, dispersed, and out of reach (Ellerman, 2010; Scott, 2009).

### **Oklahoma Immigration Policy Background**

Previous analyses (Blatt, 2007; Koralek et al., 2009; McCormick, 2009) have examined HB 1804, Oklahoma's most widely known immigration policy experiment. Display 1 identifies restrictive policies designed to address immigration-related problems in the state.

McCormick (2009) assessed what HB 1804 reveals about the particular brand of federalism proposed by immigration control advocates and concludes that "allowing individual states to enact immigration control measures locally provides a dangerous mechanism for national anti-immigrant groups to accomplish through a state-by-state lobbying effort what they have been unable to achieve at the national level" (p. 6). The argument echoes the intention of Representative Randy Terrill, author of HB 1804, "In the 1990s, states blazed the trail on welfare reform, and the federal government played catch-up. It looks as if history may be in the process of repeating itself" (Terrill, 2007, p. 10A). From this perspective, Oklahoma's restrictive policies represent a struggle between the federal government and state officials

regarding their respective claims to authority on immigration matters (Rodríguez, 2008). As immigration debates rage across the country, Oklahoma policies push the boundaries of states' authority over immigration, as Arizona's Senate Bill 1070 has recently attempted (Meissner & Ziglar, 2010).

**Examining Evidence of a Mass Exodus from Oklahoma**

When HB 1804 passed, few accounts emerged predicting anything other than a massive flight. The exodus storyline captivated a range of stakeholders. News stories printed quotes such as, "Two months ago I heard 25,000 Hispanics have left Oklahoma" (World Net Daily, 2007).

The prospect of a massive flight stoked immigration control advocates and outraged opponents of restrictive policies, such as immigrant rights advocates, social service providers, and businesses. Momentary declines in school enrollment, apartment vacancy signs, reduced grocery store traffic in Latino neighborhoods, falling numbers in church pews, and accounts of worker shortages signaled an impending exodus (Plummer, 2007; Walker, 2007). Anxious to determine the size of the exodus, observers settled on a widely-repeated outflow estimate of 15,000-25,000 from northeastern Oklahoma (Bazar, 2008; Juozapavicius, 2008).

The Economic Impact Group (2008) estimated the losses (i.e., lost outcome of

**Display 1:** Restrictive Immigration-Related Policies and Programs in Oklahoma since 2007

<b>Policy Initiative (Year, Level of Government)</b>	<b>Brief description of Policy Initiative</b>
HB 1804 (2007, state)	Among many provisions, the law makes it a state crime to knowingly transport, conceal, harbor, or shelter unauthorized immigrants; requires submission of an affidavit verifying eligibility for public benefits; requires unauthorized students enrolling in public post-secondary education to submit an affidavit stating they will adjust their status; forbids the prohibition or restriction of public employees who maintain or share information about applicants' immigration status; increases requirements to obtain licenses and credentials; requires jails to check legal status of people arrested for felonies or driving under the influence (DUI); encourages LEAs to sign agreements with federal authorities to screen arrestees' legal status and investigate immigration violations; requires certain businesses that contract with the state to verify workers' status
SB 820 (2007, state)	Makes unauthorized immigrants ineligible for state financial aid
287(g) agreement (2007, local and federal)	Authorizes Tulsa County Sheriff's Department deputies to coordinate referrals of immigrants to federal immigration authorities
HB 2252 (2009, state)	Eliminates a requirement to provide driving tests in Spanish
HB 2245 (2009, state)	Expedites removal proceedings for removable immigrants who have served at least one-third of their sentence
Secure Communities (2009, local and federal)	Screens immigrants in law enforcement custody at all local jurisdictions (as of November 2011).
HB 2837 (2010, state)	Requires unauthorized arrestees to submit to a DNA test
State Questions 751 (2010, state)	Oklahoma voters decided to make English the state's official language, which resulted in a lawsuit (Braun, 2010)

**Table 1:** Net Migrations Gains in Oklahoma (in thousands)

<b>Population</b>		<b>2007</b>	<b>2008</b>	<b>2009</b>
	<b>Place</b>			
<b>Total</b>	Oklahoma	48.7	39.4	41.7
	Oklahoma County	11.4	5.5	9.7
	Tulsa County	4.6	10.5	8.7
<b>Latinos</b>	Oklahoma	12.9	8.6	8.6
	Oklahoma County	4.9	4.0	3.7
	Tulsa County	2.0	2.1	2.6
<b>Immigrants</b>	Oklahoma	12.9	7.7	10.5
	Oklahoma County	4.8	2.2	3.7
	Tulsa County	3.5	2.9	2.3

Source: ACS (2011) estimates of geographic mobility in the past year for residence one year ago in the United States

productivity and lost income) corresponding to outflows of tens of thousands of workers from the state (Graham, 2008; Postelwait, 2008). Critics debated whether such a flight would help or hurt the economy rather than question the exodus claims (Jenkins, 2008). Reporters outside Oklahoma repeated the storyline and posited a flood of immigrants to neighboring states (Jones, 2008; Pinkerton, 2008). Exodus reports declined but returned in 2010 (Carter, 2010), when Arizona's Senate Bill 1070 renewed calls for tougher enforcement. Randy Terrill claims Oklahoma's policies persuaded unauthorized immigrants to leave the state (T. Brown, 2010).

A recent analysis of immigration policies in Oklahoma also advanced the notion of a "mass immigrant exodus" (Allegro, 2010, p. 181). Curiously, the analysis ends with a prescient quote from a migrant worker who shrugged when experts explained HB 1804: "Well, then, I guess we'll go on being as we have always been" (p. 182). Notwithstanding the author's intentions, the quote challenges the perception of a mass exodus. This immigrant worker's deceptively simple response captures an attitude of resilience and defiance, acknowledging that the decision to come to the United States to

make a living—with or without invitation—entails an unknown and substantial amount of risk. The attitude that accompanies his words conveys how migrants do not make decisions to move lightly. His wry response captures a snapshot inside the mind of someone who made a difficult decision to cross the border and, rather than flee, aims to withstand hostility and precarious circumstances. His decision to stay is not unique. The following sections present evidence against an exodus followed by a discussion of the state's looming immigration enforcement regime and how immigrants remain under the radar.

#### *Net migration gains (not losses)*

If a flood of people left Oklahoma, ACS estimates should reflect net migration losses. Table 1 documents net migration gains, suggesting that Oklahoma's economy has remained a strong magnet for Latinos and immigrants. Indeed, since the spring of 2008, its unemployment rate has been two to three percent lower than the nation (U.S. Bureau of Labor Statistics, 2011).

In addition to Table 1, other figures point to stable migration trends since 2007. In 2009, the

**Table 2:** Staying In Oklahoma (in thousands)

<b>Year</b>	<b>Latinos</b>	<b>Immigrants</b>
2005	203.7	141.2
2006	219.0	156.8
2007	231.1	163.2
2008	253.3	167.3
2009	272.0	172.8

Source: ACS (2011) estimates of geographic mobility in the past year for residence one year ago in the United States

number of Latinos (16,700) and immigrants (9,600) moving to Oklahoma from other states remained approximately the same as it had been in previous years. Furthermore, since 2007, only three to four percent of Oklahoma's Latino and immigrant populations have left the state, which resembles national trends. Finally, since 2007, the state's net migration trends eclipse most states. In states with at least 100,000 immigrants, Oklahoma has ranked in the top 10 for net migration gains among its share of both Latino and immigrant populations (ACS, 2011).

#### *Staying in Oklahoma (not leaving)*

In addition to the net migration gains presented above, most Latinos and immigrants decided to stay in Oklahoma after 2007. Table 2 reflects that large numbers of Latinos and immigrants (about nine out of 10) chose to remain in Oklahoma. Immigrants who decide to stay due to economic opportunities in the state may have weighed the trouble of leaving the country.

Latinos comprise an increasing share of people in Oklahoma who decide to stay; climbing to 7.8 percent of those that stayed by 2009. Similar trends hold for Latinos in Oklahoma County and Tulsa County. The immigrant share of those who stayed in the state remained at 4.8 percent in 2007 and changed slightly by 2009 (4.9 percent). ACS estimates reveal minor exceptions among immigrants who stayed put in Oklahoma County and Tulsa County between 2007 and 2008, which suggests

that a small portion of all immigrants left and started over elsewhere in the state (ACS, 2011). Evidence presented in later sections supports such a scenario.

#### *Parents, children and family members staying in Oklahoma*

Latino families buoy the state's population growth and account for approximately three out of five people in Latino households. The Latino share of all married-couple families in Oklahoma increased each year since 2005 and reached 7.3 percent in 2009 (ACS, 2011). These families drive continued growth among Latino households. These numbers echo an earlier study that found no evidence of sustained flight of Latino families from the state (Koralek et al., 2009). The following sections present estimates for Latinos most firmly rooted in Oklahoma: working families with children.

#### *Latina mothers and Oklahoma's newest 'Sooners'*

No Oklahoma law has targeted children of immigrants, including children with unauthorized parents. In 2008, the Oklahoma Health Care Authority unveiled "Soon to be Sooners," which provides prenatal care to expectant mothers regardless of legal status. Detractors of the program include Randy Terrill, who insisted the program would function as a magnet for unauthorized parents seeking public benefits (Hinton, 2007). Currently, the program

funds prenatal care, and local health care providers have linked it to improved health outcomes for newborns (Graham, 2010).

Latino births have not decreased compared to other groups or states. Since 2007, Oklahoma has ranked in the top third in the country for the percentage of Latina women (age 15 to 50) with newborns, and the percentage spiked from 8.9 to 10.7 percent between 2007 and 2008 (ACS, 2011). Absent nativity data, state birth statistics reflect how Latina mothers have changed Oklahoma's youth profile. Latino newborns in Oklahoma outpace overall Latino population growth. In 2007, Latinos accounted for 13.1 percent of newborns, almost twice their share of the state population at the time (7.2 percent). Based on preliminary 2009 birth data, Latino newborns reached an all-time high, 13.5 percent of all newborns (Oklahoma State Department of Health, OSDH, 2011). Birth trends suggest a dispersal of Latino parents across the state. Latino newborns outside the two largest cities increased from 8.2 to 8.9 percent of all newborns between 2007 and 2010 (OSDH, 2011).

#### *Latino children and youth continue enrolling in school*

Not surprisingly, Latino families with school-age children (including immigrant parents) have stayed put. These families have roots in the state, and no state laws have successfully targeted students with unauthorized parents. In 2010, HB 3384 would have required schools to attempt to collect data on students' legal status (Hoferock, 2010; McNutt, 2010). Critics warned that it would yield unreliable data and invite lawsuits challenging its constitutionality (Blatt, 2010). So far, enrollment trends continue unabated. According to data for the 2009-2010 academic year, the state gained almost 9,000 Latino students (Jackson, 2010a). In October 2009, Tulsa Public Schools officials reported higher enrollment, buoyed by increased Latino

student enrollment (Eger, 2009). The gains allayed long-standing concerns about a drain of Latino students (Eger & Froeschle, 2007; Eger & Froeschle, 2008). By 2010, Latinos comprised 12 percent of public school students, up from 10 percent when HB 1804 first passed. Recently, referring to 2010-2011 academic year data, a state education official said, "Oklahoma's trend of record-high public school enrollment continues" (V. Brown, 2010f). These numbers extend earlier findings (Koralek et al., 2009), which documented escalating Latino student enrollment.

After 2007, education officials also worried about Head Start and post-secondary enrollment due to HB 1804 and SB 820 (Display 1). Despite concerns, enrollment of both Latino children and children with English Language Learner (ELL) parents in Head Start and Early Head Start matured from 15 and 12 percent of enrolled children, respectively, to 19 and 14 percent (Office of Head Start, 2011). The trends prove more pronounced in Tulsa Head Start programs, where Latino enrollment expanded from 35 to 42 percent of all students between 2005 and 2010 (Community Action Project, 2010). In addition, the known number of unauthorized students in Oklahoma's public post-secondary institutions—although small—exceeded expectations and reached 270 during the 2008-2009 academic year (Advancement of Hispanic Students in Higher Education Task Force, 2009).

#### *Latino working families and work support programs*

Latino working families have also stayed and continued participating in work support programs. Although published data do not include nativity or citizenship, participation totals for Latinos include legal Latino immigrants qualified to apply for assistance and eligible children of Latino immigrants. HB 1804 provisions (see Display 1) require additional paperwork and support public employees who

**Table 3:** Oklahoma Latinos Participating in TANF, SNAP, and Child Care Assistance

Year	TANF		SNAP		Child Care
	Adults	Children	Total Cases	Individuals	Families
2007	211 (5.6%)	2,147 (11.8%)	9,207 (5.2%)	25,479 (6.0%)	5,700 (7.6%)
2008	180 (5.6%)	2,033 (12.4%)	9,007 (5.1%)	25,350 (6.1%)	5,952 (8.3%)
2009	185 (5.7%)	2,102 (13.3%)	10,742 (5.7%)	30,085 (6.8%)	6,764 (9.6%)
2010	267 (6.2%)	2,758 (15.5%)	15,621 (6.5%)	42,557 (7.6%)	6,283 (9.0%)

Source: Oklahoma Department of Human Services, OKDHS, 2011. Latino percent of caseloads are included in parentheses

keep or share information on applicants' legal status. The changes might account for a brief retreat in Latino participation in the Supplemental Nutrition Assistance Program (SNAP) and Temporary Assistance to Needy Families (TANF). However, the chilling effect dissipated by 2008 as the recession deepened and Latinos sought assistance. Table 3 presents the number and share of Latinos participating in three work support programs.

Program data detect ebbs in Latino SNAP and TANF receipt in Tulsa County after 2007, but participation rebounded by 2009 and peaked in 2010 (OKDHS, 2011). Before 2008, the percent of Latinos in each program rarely exceeds their share of the state population: 13.2 percent for Latino children, 6.4 percent for Latino adults, and 7.9 percent for Latinos in family households (ACS, 2011).

Summary data cannot reveal whether Latinos' continued participation reflects families deciding to stay in Oklahoma, new Latinos moving to the state and taking up assistance, or a smaller subset of people participating in programs at a higher rate. Regardless, program data confirm no long term chilling effect strong enough to deter Latinos from participating in work support programs. Similar to school

enrollment trends, public program data upend predictions that HB 1804 would result in diminished use of federal funds allocated to public assistance.

#### *Non-family members in Latino households and unattached Latinos*

The sections above focused on families and children, but two other Latino sub-groups behave differently: nonfamily members (i.e., 'nonrelatives' living in a home with a Latino householder as defined by the ACS) and unrelated or unattached individuals in 'nonfamily households'. Taken together, between 2005 and 2009, these two groups totaled between 28,000 and 40,000 people. If a mass exodus took place, these groups would have to account for the majority of people leaving. Indeed, national estimates of the number of male unauthorized immigrants peaked in 2007 and declined by 2009 (Passel & Cohn, 2010). However, in Oklahoma, nonfamily members in Latino households shrank only slightly (less than 1,500) from 2007 to 2008 before rebounding in 2009 to exceed 2007 levels. Like the general population, the population of Latino nonfamily members has fluctuated for years (ACS, 2011).

**Table 4:** Unattached People in Oklahoma (2005-2009, in thousands)

Year(s)	2005	2006	2007	2008	2009	
<b>Total Population</b>	543	553	568	573	590	
<b>Latinos</b>	Number	22	25	32	24	25
	Share	4.0	4.5	5.6	4.2	4.3

Source: ACS (2011) estimates of people in non-family households

On the other hand, unattached Latinos may have left in numbers large enough to partially substantiate the perception of an exodus. The hostile climate may have motivated them to start over and leave Oklahoma while other unattached people moved and took their place. Table 4 presents evidence of such a scenario, although the outflow of Latinos did not carry over to 2009.

Table 4 notwithstanding, the possible drop between 2007 and 2008 depends on the accuracy of the estimates, which are imprecise compared to ACS estimates presented earlier. The estimates should be interpreted cautiously since the change could be twice as large or non-existent. If thousands of unattached Latinos did pick up and leave, the diffuse phenomenon stretched across the state, with the two major metropolitan areas accounting for one-quarter of the 8,000 estimate.

In sum, most Latinos and immigrants continued settling in Oklahoma or stayed in large enough numbers to offset those who fled. Latino families (including immigrant parents) have roots in the state and tend to stay put, while unattached Latinos may have left the state. What can account for the perception of a much larger exodus? The next sections propose that deportations fueled a state of capture while observers mistook evasion strategies for flight.

### Oklahoma's State of Capture

Since 2007, immigration control advocates wagered that a restrictive law enforcement regime (see Display 1) would net or repel entire

immigrant communities. Although deportations have increased, predictions of large roundups for felonies and DUIs have not materialized. Immigrants view the restrictive landscape in terms akin to a state of capture. They fear the steep immigration consequences that accompany arrest for minor offenses (Koralek et al., 2009).

Immigrants who have experienced deportation relay their despair and incredulity. For example, Gabriel moved to Oklahoma City, bought a home, and was raising a family when his oldest son and wife were deported. "We tried to do all the right things by working hard, paying taxes, buying a home," he said. "I wish the law took more consideration into families like mine, but I'm thankful to this country for the opportunity." He added, "The separation of my family is just more than I can bear" (Jackson, 2010b, p. 1A). Gabriel's case has become less and less rare. The next sections describe how the state of capture expanded the reach of law enforcement.

#### *Law enforcement policies heighten state of capture*

A number of criminal justice programs and laws amplify the set of tools that Oklahoma law enforcement can use to apprehend immigrants like Gabriel. Such tools stitch together investigative, corrections, and removal apparatuses and thus contribute to a looming sense of confinement among immigrants. Before HB 1804 went into effect, Tulsa County signed a high-profile agreement (known as 287(g) agreements for that section of the Immigration and Nationality Act) with Immigration and



Customs Enforcement (ICE). Under the initiative, corrections and investigations staff both investigate detainees' legal status. Tulsa County Jail joined detention facilities across the state with lesser known agreements to hold immigrants. By 2010, about 240 facilities in the state held ICE detainees (V. Brown, 2010b).

After HB 1804, the Oklahoma Legislature erected laws almost exclusively designed to enhance control of the interior. Concerns regarding limited bed space and reimbursement from the federal government (Rabe, 2007; Robinson, 2007) provided partial justification for HB 2245 ("Oklahoma Criminal Illegal Alien Rapid Repatriation Act") of 2009, which expedites the removal for people who served at least one-third of their sentence for nonviolent offenses and misdemeanors. In March 2010, a 'crime stoppers' law (HB 2837) required unauthorized immigrants to submit to DNA testing upon arrest (National Conference of State Legislatures, 2010). In addition, the federal government activated Secure Communities programs whereby local Oklahoma jurisdictions rely on biometrics to screen immigrants in custody. Only a trafficking law (SB 956) strays from the restrictive trend by extending access to benefits to immigrant victims of crime.

### *Immigrant deportations*

The law enforcement initiatives described above girded existing capacity by federal and local officials to detain immigrants while heralding a state of capture. Federal officials have long played a role in deporting immigrants from Oklahoma. Between 1998 and 2010, they pursued over 200 immigration cases and detained over 700 non-citizens in the state (Federal Justice Statistics Resource Center, 2011). Local entities stepped up deportations. Oklahoma County Jail reported about 100 deportations per month after HB 1804 passed. Deportations also increased in Tulsa County since the implementation of its 287(g) program.

Tulsa County often holds immigrants for traffic offenses (Graham, 2009), including more than half of those detained during fiscal year 2010 (Capps et al., 2011). Moreover, few deported immigrants agree to voluntary departure, which points to an emphasis on involuntary removals (Transactional Records Access Clearinghouse, 2010). Reflecting on the efficacy of the 287(g) agreement, an official at Tulsa County Sheriff's Department said, "It's a good business plan." He added, "It allows us to bank and put money back and carry over for other things" (V. Brown, 2010b, p. 17A). The business plan evolved.

In addition to federal and county-level detention activity, HB 2245 'repatriated' 185 immigrants in its first year (V. Brown, 2010c). Proponents of the law point out that the law frees up bed space and thus compensates for perceived shortfalls in federal reimbursement for housing unauthorized immigrant inmates (McNutt, 2009). The shift toward managing immigrant inmates might gain a large boost if a private contractor succeeds in offering bed space to the federal government. "Federal officials would use the private prisons to house low-security male inmates, primarily criminal illegal immigrants who are Mexican citizens with one year or less to serve" (V. Brown, 2010d, p. 9A). If implemented, the contract would heighten the momentum in favor of funneling immigrants through the criminal justice system following minor offenses.

Although HB 1804 resulted in three sole arrests (Gillham & Graham, 2008), deportations have increased as a result of a combination of policies and programs, old and new. Currently, Secure Communities programs (see Display 1) have facilitated over 1,000 removals in the state [Immigration and Customs Enforcement, 2011]. The augmented stream of deportations so far has ignited apprehension and a siege mentality among immigrants, which fuels their decisions to stay under the radar. The next section presents alternate explanations that challenge the

perception that the state's immigrant and Latino populations dwindled after 2007.

***Don't Believe the Hype: How Immigrants & Latinos Get By Undetected***

Immigrants and Latinos have largely chosen to weather the state of capture erected by an expanding number of restrictive programs and policies (see Display 1). Recent news accounts have increasingly acknowledged the dearth of evidence supporting the exodus storyline. News reports have cited Census estimates of growing Latino and immigrant communities and a boost of legal immigrants who became naturalized citizens (Killman, 2009; Killman, 2010). Accounts also recognize that violence and insecurity south of the border can easily offset the deliberately unwelcoming message of Oklahoma's restrictive policies (V. Brown, 2010e; Jackson, 2010c). The evidence presented earlier redeems early accounts that doubted the plausibility of an exodus. A discerning reporter interviewed a reverend reflecting on people's decisions to prepare to leave the state. "More often," he said, "people are getting their affairs in order. If they do have to leave, they'll be better prepared to do so." A waitress and mother decided against leaving. "I live for her [my daughter]. That's it," she said. "That's one of the reasons why I stay here." Jose, a plumber, worried he might be arrested but also stayed. "It's a hard situation," he said. "I wish they would just do something. It feels like we're living in a jail." Each person affirms a commitment to weather the state of capture that Jose evinces (Woods, 2008, p. A1).

The next section contributes to research on the social dimensions of immigration enforcement (Hagan, Rodriguez, & Castro, 2011) by conceptualizing strategies to evade detection. It presents opportunities for understanding how scenarios that appear to point to flight can just as easily reflect decisions to

remain under the radar. Extending pioneering research on the daily milieu of hidden populations and their strategies to stay out of the state's reach (Scott, 2009), Ellerman observes how modern nations seek to circumscribe unauthorized immigrants. "As migrants develop new strategies of resistance, states follow suit in adjusting their identification strategies. This, in turn, prompts migrants to further fine-tune their actions" (2010, p. 425). In addition to unauthorized immigrants, Latinos born in the United States may also choose to stay under the radar to avoid harassment in a state where people may not discern the difference between "Latino" and "immigrant." Legal permanent residents may also stay under the radar for fear of losing their legal status if arrested for minor offenses. If these populations are staying put, then believing otherwise turns a blind eye to hiding behavior. Assuming that people flee en masse obscures efforts to understand how those who stay in town manage to get by on a daily basis undetected.

*Foot traffic and auto traffic*

In an attempt to gauge the impact of restrictive policies, observers noted oft-vacant streets and public places. Although such signs can indicate flight out of a community, they are also consistent with decisions to avoid going outside to evade law enforcement. Abrupt, sudden changes say nothing about whether people have left or whether they no longer feel safe going certain places. Studying attendance at libraries and recreational facilities (or other inconspicuous options for inexpensive entertainment) can provide insight into how people alter their routines.

Similarly, mistaking fewer cars on the road for an exodus fails to consider alternate explanations for the change. If people chose to go out less frequently, then they may also have chosen to avoid driving. People may have decided to drive to places only when necessary

or asked a neighbor (or their children) to pick up groceries and drive to school. Since HB 2252 eliminated foreign language driving tests, ELL's access to licenses could also explain reduced traffic. Carpooling can also account for dramatic traffic changes. Immigrants fearing arrest due to broken tail lights or expired plates could have organized licensed drivers to lead carpools.

Refusing to equate changes in auto traffic with exodus opens opportunities to examine how drivers evade detection. Auto insurance records, car titles, expired or terminated insurance policies, and license branch exam records alone could yield valuable insights. Carpooling networks offer rare glimpses into decisions of people moving across town or across the state. These networks may assist arrivals hoping to integrate into a new community.

#### *Churches in Latino and immigrant communities*

Church leaders provided early testimony of an escalating exodus by pointing to thinning pew aisles. Scattered anecdotes of lower attendance likely meant that people decided to stay home. Like mutual aid and home country organizations, religious leaders that provide consolation and advice to embattled congregations can relay insights regarding the harrowing process that families and individuals undergo when facing decisions to stay (or go) during hectic times. In addition, those who attend smaller, loosely convened prayer groups at unadorned locations may also have a resilient local network that could be well-suited to determine how quickly a community can 'correr la voz' ('get the word out') during times of local disruption.

#### *Businesses and local chambers of commerce*

When business leaders trumpeted the exodus storyline, they missed an opportunity to broadcast what really happened. Stories of thinly-perused grocery stores and empty restaurant tables were prevalent in early media

coverage of immigration policies in Oklahoma (Plummer, 2007; Walker, 2007). Business leaders generated estimates of how many people presumably left the state. Businesses could have chosen different claims: immigrants are here to stay, are part of the community, and now have less reason to invest in ways that benefit the entire populace.

By propagating the exodus narrative, they made three important mistakes. First, they presented evidence that could easily be explained by people's decisions to shop less, eat out less, and generally avoid going outside. Second, without definitive proof of flight, they simply echoed the mistaken refrain repeated by those who crafted the bill. Third, businesses delayed mounting an opposition until HB 1804's non-employment provisions took effect. Courts eventually weakened the employer provisions (Boczewicz, 2010). Put simply, when lawmakers staggered the employment provisions they managed to decouple opposition from businesses and other stakeholders that stood to lose something in the advent of a restrictive policy regime.

Alternate narratives are possible. Analysts can look closely at transactions over time to determine, for example, whether residents continued buying essential goods in bulk at less frequent intervals—a telltale sign of hiding behavior. Changes in bank transactions or wire transfers could reveal whether people saved money, changed remittances, closed bank accounts, or otherwise adjusted their spending and saving behavior. Finally, sales among local businesses, informal merchants, and street vendors catering to arrivals could capture where people moved within the state.

#### *Preparing to leave town*

Since 2007, immigrants have sought advice from lawyers and community-based organizations (CBOs) about leaving town. Families transferred or sold property, requested passports for their

children, and completed power of attorney forms. Of course, completing legal paperwork can either be a cautionary move or a forerunner to certain departure. No one knows how many people decided to abandon the hassle and either never left or came back shortly after leaving. Consulate and legal aid records could capture instances where preparation did and did not translate into flight.

Related accounts of vacant apartments since 2007 offer clues about immigrant mobility. Amidst confusion regarding HB 1804, landlords wrongly believed the law required them to check people's status, but the Legislature avoided failed efforts to limit leases, rental agreements, and housing to immigrants (Preston, 2010). Tenants who moved to other parts of the state in search of housing would have signed new leases, and vacancy records could pinpoint such destinations.

#### *Shortage of workers*

Changes in immigrants' labor force activities prove difficult to assess. When HB 1804 passed, employers said they had a difficult time finding people to work and pointed to abandoned construction sites. At the time, day laborers may have opted against looking for work as a precaution and laid low to assess rumors of impending raids. As mentioned earlier, unattached Latinos in this group may have fled the state. However, informal work and cash payments complicate analyses of changes in immigrant work. Moreover, changes in household composition may signal households moving in together in order to make ends meet, alongside decisions to pool together household members' incomes.

HB 1804 limited state credentials in key industries, which helps study worker behavior. Immigrant food handlers and nurse's aides chose between remaining on the job without a license, changing positions with the same employer to a post that did not require a state license, or

changing jobs altogether. State licensing records could reveal changes in credentials regulated by the Department of Health.

#### **Conclusion**

Restrictive policy experiments followed the collapse of immigration reform debates in 2007. Immigration control advocates seized the impasse to engineer a state of capture in the Sooner State, and Arizona's SB 1070 breathed new life into such efforts. But do these experiments actually drive out immigrants? Newly available Oklahoma data document how Latino and immigrant populations, new births, public program participation, and school enrollment continue expanding—with the possible exception of unattached Latinos. Geographic mobility and birth data suggest that Latinos dispersed across the state, perhaps to evade detection in high profile immigrant communities. Immigrants will likely continue to seek ways to remain under the radar while Oklahoma law enforcement and corrections entities implement policies and programs that fuel deportations and a state of capture. As restrictive policies evolve, researchers should analyze and conceptualize—as this paper has begun to do—the range of responses among unauthorized immigrants who live in legal limbo and choose to weather a state of capture.

A number of limitations apply to the analyses above. The findings in this paper may not apply in other contexts. In contrast to Oklahoma, immigrants may be less likely to stay put in places with less resilient economies. Furthermore, unlike most states, Oklahoma's policy experiments are almost universally restrictive; except for an expansion of prenatal care to include unauthorized mothers and an anti-trafficking law that could extend benefits to immigrant victims of trafficking. Furthermore, this paper does not project what Oklahoma's

demographic profile might have looked like in the absence of restrictive policies.

Despite these limitations, the evidence in this paper recommends skepticism when challenged with claims about the feasibility of immigrant expulsions. Stakeholders continue to parse claims about how many people flee following the implementation of restrictive immigration policies, and whether local communities will benefit or risk peril following such flight. However, such debates fail to account for the phenomenon of resilient populations that choose to stay and weather a state of capture. Despite the dangers of deportation, most people have not left the state, stayed away for long, or stopped moving to Oklahoma; all of which comes as no surprise to those who understand the sacrifices immigrants make in search of work, education, and opportunity.

### References

- Advancement of Hispanic Students in Higher Education Task Force. (2009). *2009 annual report*. Oklahoma City, OK: Oklahoma State Regents for Higher Education.
- Allegro, L. (2010). Latino migrations to the U.S. heartland: 'Illegality,' state controls, and implications for transborder labor rights. *Latin American Perspectives*, 37(1):172-184.
- American Community Survey (ACS), U.S. Census Bureau. (2011). *One-year estimates (2005-2009): Social characteristics; demographic characteristics; geographic mobility in the past year for residence 1 year ago in the United States; geographic mobility in the past year for current residence in the United States; population 1 year and over in the United States; household type by relatives and non-relatives for population in households; sex by age; women 15 to 50 years who had a birth in the past twelve months*. Retrieved from <http://factfinder.census.gov>
- Bazar, E. (2008, January 10). Strict immigration law rattles Okla. businesses. *USA Today*, p. 1A.
- Blatt, D. (2007). Interpreting HB 1804: A guide to understanding Oklahoma's new state immigration bill. Tulsa, OK: Community Action Project (CAP).
- Blatt, D. (2010, March 22). HB 3384: New mandate on schools would be costly, onerous and legally perilous. *OKPolicyBlog*. Retrieved from <http://okpolicy.org/blog/education/hb-3384-new-mandate-on-schools-would-be-costly-onerous-and-legally-perilous>
- Boczewicz, R. (2010, April 20). Appeals court won't change ruling that bars Oklahoma from enforcing parts of measure – State immigration law takes hit. *The Oklahoman*, p. 1A.
- Braun, B. (2010, November 10). Lawsuit challenges SQ 751. *The Tulsa World*, p A1.
- Brown, T. (2010, November 1). Immigration reform, three years later. *The Norman Transcript*. Retrieved from <http://normantranscript.com/headlines/x176176884/Immigration-reform-three-years-later>
- Brown, V. (2010a, September 2). State illegal immigrant numbers don't decline. *The Oklahoman*, p. 1A.
- Brown, V. (2010b, August 29). Jailing immigrants adds funds for some counties. *The Oklahoman*, p. 17A.
- Brown, V. (2010c, August 2). Nearly 200 illegal immigrant inmates transferred from Oklahoma custody. *The Oklahoman*, p. 1A.
- Brown, V. (2010d, August 22). Contract could displace 2,000 prisoners in state. *The Oklahoman*, p. 9A.
- Brown, V. (2010e, May 30). HB 1804 passage continues to stir debate. *The Oklahoman*, p. 9A.
- Brown, V. (2010f, December 30). Schools see increase in school enrollment. *The Oklahoman*, p. 14A.
- Capps, R., Rosenblum, M. R., Rodríguez, C., & Chishti, M. (2011). Delegation and divergence: A study of 287(g) state and local immigration enforcement. Washington, DC: Migration Policy Institute.
- Community Action Project. (2010). Head Start enrollment data. Tulsa, OK: CAP.
- Economic Impact Group (2008). A computable general equilibrium (CGE) analysis of the impact of the Oklahoma Taxpayer and Citizenship Protection Act of 2007. Edmond, OK: Economic Impact Group, LLC.
- Eger, A. (2009, October 17). Enrollment jumps at TPS. *The Tulsa World*, p. A1.
- Eger, A., & Froeschle, N. (2007, October 30). Schools see no drain of kids. *The Tulsa World*, p. A1.
- Eger, A., & Froeschle, N. (2008, February 18). Hispanic student enrollment declines. *The Tulsa World*, p. A1.
- Ellermann, A. (2010) Undocumented migrants and resistance in the liberal state. *Politics & Society* 38(3): 408-429.
- Federal Justice Statistics Resource Center (FJSRC). (2010) *Persons arrested and booked; immigration offenses: Oklahoma districts*. Retrieved from <http://fjsrc.urban.org>
- García, A., Griesbach, K., Andrade, J., González, C., & Barbosa G. Y. (2011). Pressure from the inside: The subnational politics of immigration. In D. S. FitzGerald, R. Alarcón Acosta, & L. Muse-Orlinoff (Eds.), *Recession without borders: Mexican migrants confront the economic downturn*. Boulder, CO: Lynne Rienner Publishers.
- Graham, G. (2010, June 20). Healthy Hispanic babies. *The Tulsa World*, p. A1.

- Graham, G. (2008, March 26). Economic impact of HB 1804 estimated. *The Tulsa World*, p. A1.
- Gillham, O., & Graham, G. (2008, October 26). 1804 law nets 3 arrests - After one year, arrests for transporting illegal immigrants are low. *The Tulsa World*, p. A1.
- Graham, G. (2009, September 6). Illegal immigrants boost inmate totals - Traffic and drug offenses top the list of their crimes. *The Tulsa World*, p. A1.
- Guterbock, T. M., Vickerman, M., Walker, K. E., Koper, C. S., Taylor, B., Carter, T. (2010) Evaluation of Prince William County's illegal immigration enforcement policy. Charlottesville, VA: Center for Survey Research, University of Virginia.
- Hagan, J., N. Rodriguez, & B. Castro. (2011). Social effects of mass deportations by the United States government, 2000-10. *Ethnic and Racial Studies*, 34(8):1374-1391.
- Hinton, M. (2007, December 7). Senator rips 1804 author. *The Tulsa World*, p. A1.
- Hoerock, B. (2010, March 30). Student immigration status measure dies in Oklahoma Senate committee. *The Tulsa World*, p. A13.
- Immigration and Customs Enforcement. (2011). "Secure Communities: IDENT/IAFIS interoperability, monthly statistics through September 30, 2011." Retrieved from [http://www.ice.gov/doclib/foia/sc-stats/nationwide\\_interoperability\\_stats-fy2011-to-date.pdf](http://www.ice.gov/doclib/foia/sc-stats/nationwide_interoperability_stats-fy2011-to-date.pdf)
- Invasion USA: Mandatory deportation has illegals on the run - State law limiting benefits looms, an estimated 25,000 take to road. (2007, August 25). *World Net Daily*. Retrieved from <http://www.wnd.com/?pageId=43201>
- Jackson, R. (2010a, July 18). State's student population hints at ineffectiveness of HB 1804. *The Oklahoman*, p. 20A.
- Jackson, R. (2010b, May 30). Dream ends for immigrant family - Dad fears deportation as he prepares to leave voluntarily. *The Oklahoman*, p. 1A.
- Jackson, R. (2010c, July 18). Fear of violence in Mexico is stronger than trepidation over immigration law, educator says - Immigrant influx continues. *The Oklahoman*, p. 19A.
- Jenkins, R. (2008, March 27). Immigration cost defended by economist. *The Oklahoman*. Retrieved from <http://newsok.com/immigration-cost-defended-by-economist/article/3221846>
- Jones, T. (2008, September 2008). Latinos flee Oklahoma - New law hits others, too. *The Columbus Dispatch*, p. 01G.
- Juozapavicius, J. (2008, January 26). Oklahoma law blamed for exodus of Hispanics, infant's death. *The Intelligencer*, p. 2.
- Kanstrom, D. (2000). Deportation, social control, and punishment: some thoughts about why hard laws make bad cases. *Harvard Law Review*, 113(8):1890-1935.
- Killman, C. (2010, July 19). Hispanics see a baby boom. *The Tulsa World*, p. A1
- Killman, C. (2009, September 22). Foreigners no more. *The Tulsa World*, p. A1.
- Koralek, R., Pedroza, J., & Capps, R. (2009). Untangling the Oklahoma Taxpayer and Citizenship Protection Act: Consequences for children and families. Washington, DC: The Urban Institute.
- Lofstrom, M., S. Bohn, & S. Raphael. (2011). Lessons from the 2007 Legal Arizona Workers Act. San Francisco, CA: Public Policy Institute of California.
- McCormick, E. (2009). The Oklahoma Taxpayer and Citizen Protection Act: Blowing off steam or setting wildfires? *Georgetown Immigration Law Journal*, 23(2), 293-363.
- McNutt, M. (2010, February 25). Bill seeks non-U.S. students' details. *The Oklahoman*, p. 3A.
- McNutt, M. (2009, February 19). Illegal immigrant Oklahoma prison costs targeted by bill. *The Oklahoman*, p. 12A.
- Meissner, D. & Ziglar, J. W. (2010, July 22). Why Arizona had to be challenged. *The Washington Post*, p. A19.
- National Conference of State Legislatures (NCSL). (2010). *2010 immigration-related bills and resolutions in the states*. Washington, DC: NCSL.
- Office of Head Start. (2011) *Enrollment statistics*. Washington, DC: Office of Head Start.
- Oklahoma Department of Human Services (OKDHS). (2011). *Fiscal year annual report tables (2007-2010)*. Oklahoma City, OK: Office of Planning, Research and Statistics. Retrieved from <http://www.okdhs.org/library/rpts>
- Oklahoma State Department of Health (OSDH). (2011). *Oklahoma birth statistics (1991-2010): number of births by race, Hispanic origin, and crude birth rates*. Oklahoma City: OK2SHARE. Retrieved from <http://www.health.state.ok.us/ok2share>
- O'Neil, K. (2011, March). *Do local anti-immigrant laws slow demographic change?* Paper presented at the annual meeting of the Population Association of America, Washington, DC.
- Parrado, E. A. (forthcoming). Immigration enforcement policies, the economic recession, and the size of local Mexican immigrant populations. *The Annals of the American Academy of Political and Social Science*.
- Passel, J. & Cohn, D. (2010). U.S. unauthorized immigration flows are down sharply since mid-decade. Washington, DC: Pew Hispanic Center.
- Passel, J. & Cohn, D. (2011). Unauthorized immigration population: National and state trends, 2010. Washington, DC: Pew Hispanic Center.
- Pinkerton, J. (2008, February 3). Crackdown in nearby states brings influx - Laws aimed at hiring of illegal workers drive many to Texas. *Houston Chronicle*, p. A1.
- Plummer, S. (2007, October 31). Officials see changes in neighborhood. *The Tulsa World*, p. ZM1.
- Postelwait, J. (2008, April 13). Costly exodus. *The Tulsa World*, p. E1.
- Preston, J. (2010, September 10). Court rejects a city's efforts to restrict immigrants. *The New York Times*, p. 12.

- Rabe, J. (2007, April 28). Packed prisons may have to cease taking inmates. *The Oklahoman*, p. 7A.
- Robinson, J. B. (2007, January, 2007). Despite aid, local jails foot most of the bill for criminal detainees - Feds refuse to pay full costs. *The Oklahoman*, p. 1A.
- Rodríguez, C. (2008). The significance of the local in immigration regulation. *Michigan Law Review*, 106(4), 567-642.
- Sassen, S. (2009, October 16). *Who is the 'immigrant' today? Reassembling a subject*. Presented at New London, CT conference on "Undocumented Hispanic Migration."
- Singer, A., Wilson, J. H., & DeRenzi, B. (2009) Prince William County case study: Immigrants, politics, and local response in suburban Washington. Washington, DC: Brookings Institution.
- Scott, J. C. (2009). *The art of not being governed*. New Haven, CT: Yale University Press.
- Terrill, R. (2007, August 15). Good reason to act - Oklahoma, other states can't afford to ignore illegal immigration. *USA Today*, p. 10A.
- Transactional Records Access Clearinghouse (TRAC). (2010). *Detention facility reports: Departures from ICE detention*. Syracuse, NY: TRAC-Immigration.
- U.S. Bureau of Labor Statistics. (2011). *Unemployment rate: The percent of the labor force that is unemployed, not seasonally adjusted*. Retrieved from <http://www.bls.gov/cps>
- U.S. Census Bureau. (2000). *2000 Census: Race and Hispanic or Latino; nativity, citizenship, year of entry, and region of birth*. Retrieved from <http://factfinder.census.gov>
- U.S. Census Bureau. (2010). *2010 Census: Race and Hispanic or Latino*. Retrieved from <http://factfinder2.census.gov>
- Walker, D. (2007, December 7). Families say they worry they will be torn apart. *The Oklahoman*, p. 7A.
- Woods, C. M. (2008, March 30). Oklahoma sees no signs of mass exodus. *Wichita Eagle*, p. A1.