Deciding to Cross: Norms and Economics of Unauthorized Migration

Emily Ryo[a]

Abstract

Why are there so many unauthorized migrants in the United States? Using unique survey data collected in Mexico through the Mexican Migration Project, I develop and test a new decision-making model of unauthorized labor migration. The new model considers the economic motivations of prospective migrants, as well as their beliefs, attitudes, and social norms regarding U.S. immigration law and legal authorities. My findings show that perceptions of certainty of apprehension and severity of punishment are not significant determinants of the intent to migrate illegally; however, perceptions of availability of Mexican jobs and the dangers of border crossing are significant determinants of these intentions. In addition, individuals' general legal attitudes, morality about violating U.S. immigration law, views about the legitimacy of U.S. authority, and norms about border crossing are significant determinants of the intent to migrate illegally. Perceptions of procedural justice are significantly related to beliefs in the legitimacy of U.S. authority, suggesting that, all else being equal, procedural fairness may produce greater deference to U.S. immigration law. Together, the results show that the decision to migrate illegally cannot be fully understood without considering an individual's underlying values and norms.

Keywords

immigrants, Latinas/Latinos, law, migration, social norms

According to a recent estimate, more than 11 million unauthorized migrants currently live in the United States (Passel and Cohn 2011). This means that unauthorized migrants make up a large proportion—about 30 percent—of the nation's foreign-born population. Why are there so many unauthorized migrants in the United States? To many lay observers and policymakers alike, the answer may appear relatively simple: the economic benefits of unauthorized migration outweigh the costs. One implication of this oft-repeated statement is that unauthorized migrants are rational choice actors, to whom laws are nothing more than an economic cost.

If this were true, however, we might expect these individuals to remain in their home countries and engage in a variety of unlawful activities that satisfy similar cost-benefit calculations. We might also expect that once these migrants enter the United States, they would engage in other unlawful activities that would maximize the economic returns to their

[a]Stanford Law School

Corresponding Author:
Emily Ryo, 559 Nathan Abbott Way, Stanford, CA 94305
E-mail: eryo@stanford.edu

migration decisions. Yet this does not appear to be the case: millions of individuals appear willing to violate immigration law, but not other laws, in pursuit of their goals. As Rumbaut and Ewing (2007) show, for example, incarceration rates for young men in the United States are lowest for immigrants, especially for Mexicans, Salvadorans, and Guatemalans—the groups that make up the bulk of the unauthorized population.

The foregoing discussion illustrates a need for an explanatory model of unauthorized migration that considers not only the economic motivations of prospective migrants, but also their beliefs and attitudes (what I call normative values) toward immigration law and the legal authorities that regulate their behavior. Migration decisions are often shaped by economic and social relations in which individuals are embedded; these decisions, however, also take place within specific legal contexts that influence individual perceptions of choice and behavior. Yet, little is known about how would-be unauthorized migrants view the morality of legal restrictions that prohibit their movement and the legitimacy of legal authorities that establish and enforce these restrictions.

This study advances research on international migration and on legal noncompliance in two important ways. First, I develop a decision-making model of unauthorized labor migration that integrates prospective migrants' economic motivations and normative values. As I discuss below, this is the first model of its kind to apply the normative theory of legal noncompliance to explain unauthorized migration. Second, I provide a systematic and empirical test of this model using unique survey data that I collected specifically for this study through the Mexican Migration Project (MMP). Together, the new theoretical model and empirical evidence show that a fuller understanding of unauthorized migration requires consideration of its legal context— from the perspective of migrants as moral agents. This is an important contribution to research on international migration, which has as its focal concern the question of why

people migrate. This study also makes a unique contribution to research on legal noncompliance. Whereas the legal noncompliance literature historically has focused on analyzing individuals' behaviors in relation to domestic law, this study demonstrates that theories of noncompliance can extend more broadly to behaviors of noncitizens.

THEORETICAL FRAMEWORK

Unauthorized migration, by definition, entails illegal movement across international boundaries. Theories of international migration and of legal noncompliance are thus equally important to understanding its causes and dynamics.

Research on International Migration

Scholars have developed a number of theories to explain the causes of international migration (Massey et al. 1993, 1998). These theories include neoclassical (micro and macro) economic theory, new economics theory, dual labor market theory, and world systems theory. In addition to theories that explain why international migration occurs, there are also theories that seek to explain how international migration is perpetuated or sustained once it has begun; among the most prominent are network theory and cumulative causation theory (Massey et al. 1993, 1994). Massey and colleagues' (1998) synthesis of these theories has now become canonical in studies of international migration.

Surprisingly, none of these theories (including Massey and colleagues' synthesis), except for neoclassical microeconomic theory (hereafter neoclassical theory), explicitly distinguish between authorized and unauthorized migration. Because these theories largely overlook—or in some cases, take for granted—the legal context in which migration takes place, they do not sufficiently help us understand why people move *despite legal prohibitions on their movement*. To address this question, I begin with a review of neoclassical theory, which explicitly considers

the legality of migration decisions. There are two other reasons why neoclassical theory is a natural starting point for this analysis. First, as I discuss below, neoclassical theory is the usual analytic foil for assessing the significance of people's normative values in their decisions to obey or disobey the law. Second, neoclassical theory has been a dominant force in immigration policy. Much of the U.S. government's efforts at deterring unauthorized migration—from erecting longer, higher fences along the U.S.–Mexico border, to increasing fines and raids of workplaces that hire unauthorized migrants—are built on basic assumptions of neoclassical theory (Massey and Riosmena 2010).

Under neoclassical theory, migrants are rational actors who choose to migrate because their cost-benefit calculations lead them to expect net positive returns from their migratory actions (Borjas 1989; Sjaastad 1962; Todaro 1976). More specifically, this theory posits that potential migrants calculate the expected net returns on migration and the total cost of their movement. Based on this calculation, migrants are expected to move to wherever the expected net returns are greatest. More formally, the neoclassical decision-making process can be described using the following formula (see Massey et al. 1993:435):

$$ER(0) = \int_0^n [P_1(t) \, P_2(t) \, Y_d(t) - P_3(t) \, Y_0(t)] \, e^{-rt} \, dt - C(0) \quad (1)$$

where $ER(0)$ is the expected net return to migration calculated at time 0 just before departure; n is the individual's time horizon; $P_1(t)$ is the probability of avoiding deportation from the destination country (1.0 for legal migrants and <1.0 for unauthorized migrants); $P_2(t)$ is the probability of employment in the destination country; $Y_d(t)$ is expected earnings in the destination country; $P_3(t)$ is the probability of employment in the origin country; $Y_0(t)$ is expected earnings in the origin country; r is the discount factor; and $C(0)$ is the total cost of migrating. In brief, the fundamental assumption of the neoclassical model is that international migration is a result of individuals seeking to maximize their net expected lifetime earnings.

In empirical tests of standard neoclassical theory, scholars have focused on macro-level measures such as wage differentials or unemployment ratios between the sending and receiving countries (for a review, see Massey et al. 1998). The outcome of interest in such studies is the aggregate flow of migration between two countries. In addition to these aggregate-level studies, a smaller number of micro-level studies have evaluated neoclassical theory at the individual level by examining the effects of expected income (which is generally estimated based on past earnings and human capital variables) associated with migrating (for a review, see Massey et al. 1998). Other researchers have examined effects of migration decisions on post-migration earnings (Tunali 2000), and other measures of economic well-being such as home ownership (Lee et al. 2005), presumably under the assumption that positive ex post returns to migration lend support for ex ante rationality.

These studies of neoclassical theory generally find that international migration is sensitive to employment-related variables, and to a lesser extent, wage-related variables. However, given that the neoclassical model is a *perceptual* model (i.e., ostensibly based on individual perceptions of costs and benefits), and none of the existing studies that purport to evaluate neoclassical theory treat the model as such, it is unclear whether and to what extent these studies represent a valid test of neoclassical theory. Moreover, Massey and colleagues (1994, 1998) conclude that even if these studies are evaluated on their own terms, on the whole, neoclassical theory does not provide an adequate explanation for migration decisions.

On a more conceptual level, neoclassical theory begs the question whether laws are rendered socially and morally irrelevant in the eyes of prospective migrants when economic incentives are at work. This is unlikely in light of the research on legal noncompliance discussed below, which shows that normative values play an important role in legal

noncompliance decisions, including decisions with clear economic incentives. As a legal matter, unauthorized migration is not unlike many of the civil or minor criminal infractions commonly examined in legal noncompliance research. Unlawful entry into the United States is a petty misdemeanor under U.S. federal law (see 8 U.S.C. § 1325)[1]—on par with certain traffic offenses on federal property. Unlawful presence and working without legal documents in the United States, in and of themselves, are not crimes under U.S. federal law, although they are deportable civil offenses (see 8 U.S.C. § 1227(a)(1)(B); 8 C.F.R. § 287.3).

Moreover, akin to some of the noncompliant acts examined in research on legal noncompliance (e.g., illegal drug use), the illegality of unauthorized migration may be understood as a social construction whose meaning has shifted and evolved over time with changing political processes and relations of power (Donato and Armenta 2011). All else being equal, normative values ought to play a greater role in noncompliant acts with a high level of contingency or indeterminacy, because such acts are likely to be more easily perceived as lacking moral culpability by the individual decision-maker or society at large.

Research on Legal Noncompliance

As with research on international migration, early studies of legal noncompliance were dominated by the deterrence model, which is grounded in rational choice or neoclassical theory (Becker 1968; Polinsky and Shavell 2000). Under the basic deterrence model, legal noncompliance is likely if a rational actor's estimate of the expected benefits of committing an illegal act outweighs his estimate of the expected costs, which is assumed to be a function of the perceived *certainty* of arrest and the perceived *severity* of punishment (Grasmick and Bryjak 1980; Matsueda, Kreager, and Huizinga 2006).

Empirical tests of the deterrence model generally demonstrate that perceived threats of legal sanction are negatively associated with self-reports of offending or intentions to offend in a variety of legal contexts, ranging from instrumental offenses such as theft and tax evasion, to more expressive offenses such as drug use (MacCoun 1993; Nagin 1998; Paternoster 1987). Empirical evidence also suggests, however, that these effects are often only modest at best or conditional (see, e.g., MacCoun 1993; Simpson 2011; Wenzel 2004). As a result, a considerable body of research has sought to identify noneconomic determinants of legal noncompliance, such as social disapproval, ethical beliefs, trust in authority, and perceptions about fairness. In particular, much research on the normative theory of legal noncompliance focuses on the importance of three social factors that I will refer to as morality, legitimacy, and social norms.[2]

Personal morality as a determinant of legal noncompliance has been conceptualized in a variety of ways, including moral beliefs, moral commitment, ethical beliefs, and conscience. The basic idea underlying this line of research is that people "generally see themselves as moral beings who want to do the right thing as they perceive it" (Robinson and Darley 1997:468). Thus, people's views about the morality of engaging in acts proscribed by law should have an effect on the likelihood of noncompliance. For example, some observers attribute the mass violations of the prohibition against alcohol in the 1920s and the current widespread use of illegal drugs to people's moral perceptions regarding such laws: some people simply do not view the use of alcohol or drugs as immoral (Tyler and Darley 2000). The idea that morality is a significant determinant of legal noncompliance is now supported by a substantial body of empirical research (e.g., Grasmick and Green 1980; Paternoster and Simpson 1996; Robinson and Darley 1995).

Legitimacy of authority is another concept that has drawn much attention in research on legal noncompliance. Studies of legitimacy—usually defined as the perceived obligation to obey a rule or a system of social order—have

a long tradition in social theory (Zelditch 2001). One of the most widely cited studies examining the relationship between perceptions of legitimacy and noncompliance is Tyler's *Why People Obey the Law* ([1990] 2006). Based on interviews of more than 1,500 people, Tyler finds that people's beliefs in the legitimacy of authority are significantly related to self-reports of such acts as littering, drunk driving, speeding, petty theft, and parking violations. The finding that belief in the legitimacy of authority leads to greater deference to that authority has been replicated in a number of empirical studies across a variety of legal and organizational settings (e.g., Paternoster et al. 1997; Smith 1992; Tyler 2006). What promotes legitimating beliefs? Studies show that one of the key antecedents of legitimacy is the perceived fairness of procedures—commonly known as procedural justice (Tyler 2006).

Finally, researchers have long been interested in the effects of social norms on legal compliance (Ellickson 2001; Etzioni 2000; McAdams and Rasmusen 2007). Wenzel (2004:551) defines social norms as "moral standards attributed to a social group or collective." Whether social norms are internally enforced by a sense of guilt or shame, or externally enforced through such informal sanctions as ridicule or loss of reputation, social norms may impose additional deterrence costs that make legal compliance more likely (Posner 1997). Alternatively, in cases where social norms prescribe conduct that is contrary to the law, violating the law may confer greater status on the individual (e.g., by signaling strength and courage), thereby producing greater legal noncompliance (Kahan 1998). In line with these predictions, empirical studies have found that social norms are a significant determinant of legal noncompliance in such diverse contexts as jaywalking, tax evasion, and illegal fishing (e.g., Gezelius 2002; Mullen, Copper, and Driskell 1990; Steenbergen, McGraw, and Scholz 1992).

How might personal morality, perceptions about the legitimacy of legal authority, and

social norms matter in decisions to migrate illegally?[3] Based on extensive archival research, I show (Ryo 2006) that mass noncompliance with Chinese exclusion laws at the turn of the nineteenth century was partly rooted in widespread perceptions among the Chinese that the exclusion laws lacked social and moral legitimacy. Monto (1994), in his study of U.S.–Mexico labor migration, describes how circulatory migration became the right and appropriate thing to do among many young men, as this movement became a permanent, institutionalized part of the sending town's social process. Wilson (2006) attributes the rise in female migration from Mexico partly to growing social norms and expectations about companionate marriage (marital togetherness) among young women. Research on the culture of migration (Cohen 2004; Kandel and Massey 2002) demonstrates the importance of community norms in migration decisions generally. The basic argument underlying the culture of migration thesis is that in communities with a long history and high prevalence of out-migration to the United States, international migration changes people's values and cultural perceptions in ways that increase the future probability of migration. Considered together, these lines of research highlight the need for a systematic evaluation of the role of normative values in migration decisions.

A NEW MODEL OF UNAUTHORIZED MIGRATION

This study builds on prior studies of international migration and legal noncompliance to propose an explanatory model of unauthorized labor migration that conceptualizes the decision to migrate illegally as a function of rational choice cost-benefit calculations and individuals' normative values. Figure 1 presents a simple schematic representation of this model.

The outcome of interest in the model is an individual's present intent to engage in unauthorized migration in the proximate future. At the macro-level, national, community, and
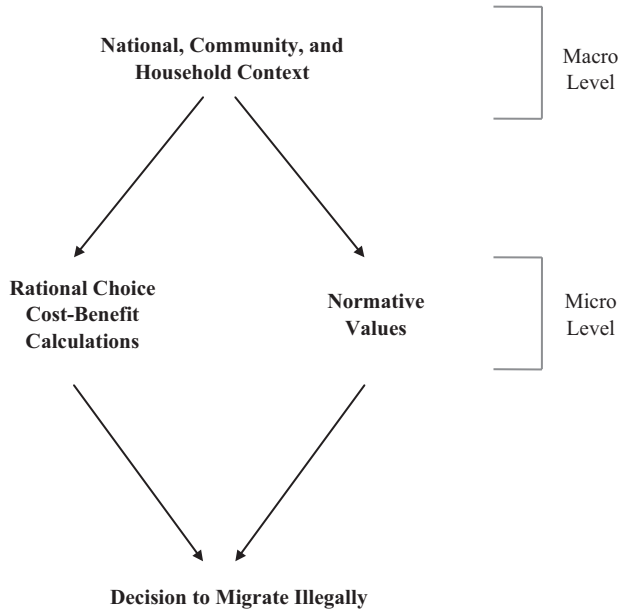
Figure 1. Schematic Representation of Decision-Making in Unauthorized Migration

household contexts shape individuals' cost-benefit analyses and their normative values. At the micro-level, these individual-level factors affect people's decisions to engage in unauthorized migration. Although both macro and micro processes are equally important, the theoretical focus and empirical analysis of this study are limited to the micro-level process. In the conclusion, I consider group or macro-level implications of this study, as well as the type of data that might allow a systematic investigation of the macro-level process.

Note that the outcome of interest in the model is not actual instances of border crossing. Unanticipated constraints and facilitators, as well as changes in motivational factors, may intervene between migration intentions and actual behavior (Gardner et al. 1986). Nonetheless, migration scholars argue that "intentions are an entirely appropriate concept for migration scholarship, particularly for research on migration decision-making" (Gubhaju and De Jong 2009:33–34). Notably, in the context of U.S.–Mexico migration, Creighton (2013) finds that stated aspirations are a good predictor of later migration to the United States.[4]

Moreover, the prevailing approach in the legal noncompliance literature is to model stated intentions to engage in noncompliance, rather than actual behavior. Examining self-reports of *past* noncompliance as a function of current perceptions about its costs and benefits confuses the causal connection between perceptions and behavior. As Paternoster and colleagues (1983:458) explain, "low perceptions of punishment risk (or severity)," for example, "may be a *consequence* rather than a *cause* of involvement in illegal behavior" (emphasis in original). The other alternative is to use a panel design in which effects of individuals' perceptions at time t are examined in relation to their subsequent behavior at time $t + 1$. But such a panel design untenably assumes that perceptions remain stable and do not change between the two time periods (Grasmick and Bursik 1990).

A few additional points of clarification are in order. First, I do not argue that moral and normative considerations, by themselves, can motivate unauthorized migration in the absence of economic need. To do so would amount to treating unauthorized migration as

a purely expressive form of noncompliance—a violation of law that is driven by the imperative of expressing one's moral commitment or ideology (e.g., civil disobedience). This is generally not the case for unauthorized labor migration. Instead, I argue that normative values are important, although not sufficient, factors underlying the decision to migrate without authorization. Likewise, I argue that economic incentives alone typically do not induce otherwise law-abiding individuals to violate the law.

Second, the proposed model does not require that prospective migrants engage in explicit and conscious deliberations about normative considerations before deciding to engage in unauthorized migration. As Ewick and Silbey (1998:15) point out, "most of the time . . . people don't think about the law at all." Instead, legality is often experienced as "an invisible constraint suffusing and saturating our everyday life" (Silbey 2005:331). In line with these observations, the proposed model simply posits that people's interpretations and understandings about the law and legal authorities—whether or not they are a product of conscious and systematic reflection—play an important role in structuring their decisions and actions. This conceptualization of the relationship between normative values and decision-making is also consistent with Vaisey's (2009) work, which shows that although individuals often cannot articulate clear principles of moral judgment, their choice from a list of moral-cultural scripts on a survey strongly predicts a wide variety of later behavior.

Finally, the potential issue of rationalization requires careful consideration. People may rationalize their decisions by adopting normative values that justify their intended behavior. However, such instances of justification do not necessarily negate the important role that normative values typically play in significant life decisions. As Sykes and Matza (1957) argued in their study of juvenile delinquents, justifications often *precede,* rather than follow, deviant behavior and make such behavior possible. In brief, "a rationalization is not an after-the-fact excuse that someone invents to justify his or her behavior but an integral part of the actor's motivation for the act" (Coleman 1987:411). One might argue, however, that people could make decisions contrary to their normative values, or without any reference to their normative values at all, and once the decision is made, adopt values in alignment with that decision. In such a case, normative values are infinitely manipulable, playing no independent role in the decision-making process. This view of normative values does not comport well with the dominant understanding of norms as "profoundly influencing [people's] identities, their worldviews, their views of themselves, the projects they undertake, and thus the people they seek to become" (Etzioni 2000:163). Nonetheless, my empirical analysis addresses this potential issue in a number of ways, as discussed below.

DATA

I test the proposed model using data from the 2007 and 2008 MMP and Becoming Illegal Survey (BIS). In collaboration with the MMP, I designed the BIS specifically for the purposes of this study. Comprehensive documentation on the MMP is available from its website at http://mmp.opr.princeton.edu/. The MMP is a binational household survey that collects data using a method known as ethnosurvey—a semistructured interview technique that combines ethnographic and survey methods. Each year, a simple random sample of 150 to 200 households is drawn from a selected number of communities in Mexico and interviewed during the winter months. The MMP also gathers detailed historical, social, and demographic data on each Mexican community surveyed.

The BIS, unlike the MMP, is an individual survey. I developed the BIS through two stages of fieldwork. First, I organized 10 focus groups with 64 migrants in the United States and in Mexico in the spring and summer of 2006. Some focus group participants were unauthorized day laborers recruited

from day-labor centers and hiring sites in the United States; others were individuals recruited from migrant centers along the U.S.–Mexico border. Insights gained from these focus groups guided the design and initial formulation of the survey questions. I then pretested the survey items with the assistance of an MMP interviewer in several communities in Mexico.

Because the MMP is a household survey and the BIS is an individual survey, I developed separate participation criteria and interview protocols for the BIS to administer it in an integrated fashion with the MMP. To participate in the BIS, respondents were required to be (1) between 15 and 65 years of age, and (2) currently working in Mexico or intending to work (in Mexico or in the United States) within the next year. Because the great majority of individuals who satisfied the latter criteria in past MMP surveys were male, I formally restricted the BIS sampling to men to obtain a sufficiently large number of cases for analysis.

The 2007 MMP and BIS were administered in four communities in Morelos; the 2008 MMP and BIS were administered in four additional communities in Jalisco and Michoacán. The MMP chose these communities in part based on their socioeconomic diversity. As Table A1 in the Appendix shows, the communities ranged from small rural areas with a population size of 2,000 to large metropolitan areas with more than 1.6 million residents. The communities' economic bases varied, with some largely focused on agriculture and others focused on service or manufacturing. There were significant differences in stages of economic development across the communities, as indicated by varying levels of available infrastructure in communities' surrounding municipalities. Finally, the communities also differed in their migration profiles. In Community 8, for example, only 3.7 percent of adults had U.S. migration experience, whereas over 23 percent of adults in Community 3 had U.S. migration experience.

In all, a total of 1,657 men participated in the BIS. The effective sample size for the primary analysis is 1,353 men. Of these, 124 men (about 9.16 percent) intend to migrate to the United States illegally. The effective sample size reflects deletion of missing data, as well as exclusion of a small number of respondents who (1) intend to migrate legally ($N = 47$), the vast majority as U.S. citizens, legal permanent residents, or tourists, and (2) do not intend to migrate but are U.S. citizens or legal permanent residents ($N = 19$). These two groups are outside the main theoretical interest of this study given that unauthorized migration is unlikely to be within their realm of possible choices. In short, the effective sample contains only individuals who are at risk of unauthorized migration.

Strictly speaking, the MMP data are representative only of the selected Mexican communities, not the entire Mexican population. However, systematic comparisons between the MMP and nationally representative surveys such as Mexico's National Survey of Population Dynamics have found a very close match between the surveys in terms of basic migrant characteristics (Massey and Capoferro 2004). The MMP is thus a good source of reasonably representative data on Mexican migrants.

MEASURES

Table A2 in the Appendix provides details on the variables used in the multivariate analyses, including the survey items that measure each of the relevant concepts. To avoid problems arising from categories with too few cases and to maximize the power and parsimony of the multivariate models, I collapsed some of the response categories, where appropriate, based on theoretical considerations and a series of Wald tests.

Dependent Variable

The main outcome of interest in this study is *respondents' intent at time t to engage in unauthorized migration at time t+1*. Respondents were asked: "Do you intend to go to the U.S. during the next 12 months?" If they answered yes, a follow-up question was

asked about the type of documents they intended to use in making the trip. The dependent variable was coded 1 if the respondent intended to cross the border without documents, and 0 otherwise (i.e., at risk of migrating illegally but did not intend to migrate).

Given that the question solicited intentions to disobey the law, one might question the reliability of these answers. However, based on my personal observations during the focus groups, pretests of the BIS, and the actual survey administration, there is little reason to believe respondents were less than forthcoming in their answers.[5] For more than 20 years the MMP has collected detailed information about household heads' past unauthorized border crossings without much difficulty. Similarly, none of the MMP interviewers reported difficulty administering the intent-to-migrate questions on the BIS.

Explanatory Variables

There are two categories of explanatory variables for the main analysis. The first category consists of economic variables, which pertain to rational cost-benefit calculations that prospective migrants are presumed to undertake under the neoclassical model. For the purposes of this study, the main components of the relevant subjective cost-benefit calculations are the following:

(1) expected *probability of finding a job* in the United States and in Mexico,
(2) expected *wages* in the United States and in Mexico,
(3) expected monetary *costs of migrating,*
(4) expected degree of *danger* associated with crossing the border,
(5) expected *probability of apprehension* at the border and while working illegally in the United States, and
(6) expected *severity of sanctions* if apprehended at the border and while working illegally in the United States.

The second category of explanatory variables is what I call normative variables, which relate to prospective migrants' underlying attitudes, values, and social norms. Of particular interest to this study are the following:

(1) *general attitudes* toward the law (any law, not just U.S. immigration law),
(2) views about the *morality* of violating U.S. immigration law,
(3) views about the *legitimacy* of U.S. authority to regulate international migration, and
(4) *social norms* about border crossing.

General legal attitudes. These items are designed to capture a respondent's baseline orientation and commitment toward the law and legal system. Individuals vary in their respect for the rule of law and rigidity with which they believe the law ought to be followed. The two items on the BIS designed to tap these basic attitudes are: "Is it okay to disobey the law when you disagree with it?" and "Is disobeying the law sometimes justified?" These questions were adapted from studies examining people's support for the rule of law (Cleary and Stokes 2009; Gibson and Caldeira 1996).

Morality. I define morality as an inner sense of commitment that involves "*prescriptive* valuing of the obligatory or right" (Colby and Kohlberg 1987:9 [emphasis in original]). By "prescriptive," Colby and Kohlberg (1987:10) are referring to "judgments of ought, of rights and responsibilities, rather than value judgments of liking and preference." Social scientists usually trace origins and development of morality to an individual's upbringing, family, culture, and peer or reference groups. Whatever the source, morality as used in this study refers to an internalized sense that certain acts and considerations are sacred and nonnegotiable.

In this study, I focus on individuals' views about the morality of violating U.S. immigration law. There are many bases on which individuals can make moral assessments about violating this law. However, my focus groups and survey pretests showed that moral assessments in this context frequently turned

on whether unauthorized migration was deemed a necessity, and whether an individual felt entitled to pursue better opportunities for oneself or one's family, above and beyond basic survival needs. Respondents were thus asked: "Is it okay to enter the U.S. without papers if you need money to support one's family?" and "What if you have a good job in Mexico but want to make more money in the U.S., is it okay for you to enter the U.S. without papers?"

Legitimacy. Following Tyler and Huo (2002:xiv), I define perceived legitimacy of authority as "the belief that legal authorities are entitled to be obeyed and that the individual ought to defer to their judgment." Empirical studies of the role of legitimacy in facilitating legal compliance often measure perceptions of legitimacy in terms of judgments about whether the government has the right to act or govern in a particular area (Levi and Sacks 2009; Levi, Sacks, and Tyler 2009). In the context of unauthorized migration, beliefs about whether a nation-state may rightfully limit cross-border movement generally, as well as more specifically with respect to a particular group, constitute an important basis on which people make evaluations about the legitimacy of U.S. authority. The BIS thus asked: "Should the U.S. government have the right to limit the number of immigrants who can enter the country?" and "Should Mexicans have the right to enter the U.S. without getting permission from the U.S. government?"

To examine whether evaluations of legitimacy are primarily based on perceptions of procedural justice, as posited by a growing number of scholars (for a review, see Tyler 2006), the BIS asked the following two additional questions that pertain to procedural justice: "Do you think the U.S. immigration service treats Mexicans fairly?" and "Do you think the U.S. immigration service treats lighter-skinned immigrants better than darker-skinned immigrants?"

Social norms. I adopt a two-pronged definition of social norms based on what Hechter and Opp (2001) identify as regularity norms and oughtness norms. Regularity norms are "merely behavioral regularities that generate social expectations without any moral obligations," whereas oughtness norms entail a moral imperative (a sense of ought) associated with a social group or collective (Hechter and Opp 2001:xii–xiii). These definitions correspond to the following two dimensions of social norms that I investigate in this study: (1) descriptive norms about illegal border crossing, which refer to individuals' perceptions of how reference groups themselves *actually* behave; and (2) injunctive norms about illegal border crossing, which refer to individuals' perceptions of how other people believe the individual *should* behave. On the BIS, descriptive norms were measured by asking: "How many of your family members, relatives, and friends have tried to go to the U.S. without papers?" Injunctive norms were measured by asking: "How many of your family members, relatives, and friends would approve if you wanted to go to the U.S. without papers?"

Because the unit of analysis in this study is individuals, all of the explanatory variables are measured at the individual level. This approach is consistent with the convention in empirical studies of legal noncompliance, but I do not mean to minimize the importance of normative values as *shared* understandings within communities. Indeed, a supplemental analysis (available on request) indicates a number of significant differences in normative values across communities depending on their history of out-migration to the United States. The precise origins and the nature of these differences are beyond the scope of this study, but these issues merit a close and systematic investigation in future research.

Control Variables

The control variables consist of a basic set of sociodemographic characteristics that past studies indicate are important predictors of migration from Mexico to the United States (see, e.g., Massey et al. 1987; Massey and Espinosa 1997). These characteristics include age, education, marital status, household

membership status, past illegal border-crossing experience, and a set of dummy variables for community of origin.

ANALYTIC APPROACH

First, I examine the bivariate statistics to determine whether there are significant differences in economic calculations and normative values between individuals who intend to migrate illegally and those who do not intend to migrate. Next, I perform a series of binary logistic regressions that predict the intent to migrate illegally. I begin by fitting a baseline model that includes only the control variables. To this baseline model, I add the economic variables, followed by the normative variables (excluding two procedural justice variables, which I analyze separately). Formally, this full model takes the following form:

$$\text{logit}(Y) = \log(\pi / (1 - \pi)) = \alpha + \beta_1 X_1 + \beta_2 X_2 + \beta_3 X_3 \quad (2)$$

where log represents the natural logarithm; π is the probability that the dichotomous outcome variable $Y = 1$ (i.e., respondent intends to migrate illegally in the next 12 months); α is the Y intercept; βs are regression coefficients; X_1 is a vector of basic individual characteristics; X_2 is a vector of economic variables; and X_3 is a vector of normative variables.

Individuals who belong to the same household might be clustered in the sense that they are more likely to be similar to each other than to individuals from different households.[6] Likewise, individuals who belong to the same community are more likely to be similar to each other than individuals from different communities. In such cases, the assumption that observations are independent and identically distributed might be violated, leading to standard errors that are downwardly biased. To account for within-cluster correlation at the household level, I use the *vce (cluster)* option in Stata to adjust the standard errors (Rogers 1993).[7] For community-level clustering, for which there are too few communities to implement the same procedure

(Cameron and Trivedi 2009), I include community-of-origin dummy variables in each of the logistic regression models (results not shown in Tables 2 and 3).

To explore the potential issue of ex post rationalization discussed earlier, two versions of the BIS were administered. These versions contain the same battery of items, varying only in the question ordering. The first version asked the normative-values items first, followed by the intent-to-migrate question; the second version asked the intent-to-migrate question first, followed by the normative-values items. The assumption is that respondents who are asked the intent-to-migrate question first are more likely to engage in rationalization. On the whole, however, there were no significant differences in these two groups' normative values.

I also examined whether respondents with prior border-crossing experience expressed significantly different normative values than those without such experience. One might reasonably infer that respondents with prior border-crossing experience are more likely to engage in rationalization, because completed actions may heighten the perceived need for justification (compared to merely contemplated behavior). Additionally, prior actual border-crossing experience may provide respondents with a more readily-available set of justifications. Indeed, these two groups of respondents demonstrated a number of differences in their normative values. It is not possible to discern whether these differences are a result of ex ante or ex post rationalization. Nonetheless, my multivariate analyses control for past border-crossing experience.

Finally, another approach to examining the question of rationalization is to compare respondents who intend to migrate illegally to those who intend to migrate legally. Insofar as individuals who intend to migrate legally do not have the same need to engage in moral justification of their migration decisions, there may be significant differences in these two groups' normative values. Results of this supplemental analysis are shown in Table A4 in the Appendix and discussed later in the article.

RESULTS

Descriptive and Bivariate Patterns

Table 1 presents means and standard deviations of all variables used in the analysis of intent to migrate illegally. Table A3 in the Appendix presents separate correlation matrices for the economic and normative variables, respectively. Table 1 shows significant differences between respondents who intend to migrate illegally and those who do not intend to migrate. Respondents who intend to migrate illegally are slightly younger on average, are less likely to be head of their household, are more likely to have never been married, and are much more likely to have crossed illegally in the past.

There are also significant bivariate differences across many of the economic variables. Respondents who intend to migrate illegally are much more likely to believe that finding a job is very difficult in Mexico but not as difficult in the United States. There is no significant difference between the two groups in their expected U.S. wages, but there is a significant difference in their expected Mexican wages (respondents who intend to migrate illegally expect lower wages than do those who do not intend to migrate). Interestingly, the expected cost of border crossing is higher for respondents who intend to migrate illegally. Respondents who intend to migrate illegally are less likely to believe that border crossing is dangerous, and their perceived probability of being apprehended (both during border crossing and while working in the United States) is lower than those who do not intend to migrate. Likewise, respondents who intend to migrate illegally view sanctions associated with border apprehension as less severe than do those who do not intend to migrate.

The two groups also have important differences in their normative values. Respondents who intend to migrate illegally are much more likely to believe "it is okay to disobey the law when one disagrees with it" and "disobeying the law is sometimes justified." Respondents who intend to migrate illegally are also more likely to believe it is okay to cross the border illegally not only to satisfy basic economic needs, but also in search of

better economic opportunities beyond basic survival. Moreover, respondents who intend to migrate illegally are more likely to believe that "the U.S. government has no right to limit immigration" and "Mexicans have a right to be in the United States" without the U.S. government's permission. Finally, respondents who intend to migrate illegally are more likely to have family members and friends who have tried to cross the border illegally in the past, and who would approve of the respondent's border crossing.

These preliminary results point to interesting and significant differences between the two groups. To further explore these relationships while controlling for other variables, I turn to multivariate analyses. But before doing so, I briefly examine the results of a supplemental analysis comparing normative values of respondents who intend to migrate legally versus those who intend to migrate illegally. As discussed earlier, this analysis might illuminate whether and to what extent would-be unauthorized migrants may be engaged in moral justification or rationalization of their decisions. Table A4 in the Appendix shows that respondents who intend to migrate legally are less likely to think that "disobeying the law is sometimes justified" and also less likely to think that economic necessity makes border crossing acceptable. On the other hand, respondents who intend to migrate illegally are more likely to think that "the U.S. government has no right to limit immigration" and "Mexicans have a right to be in the United States" without the U.S. government's permission. These results suggest that legal constraints may play an important role in determining whether individuals engage in moral justification. Furthermore, as shown below, successful completion of this task of moral justification appears to have significant implications for individuals' decisions to migrate illegally.

Multivariate Analyses

For the main multivariate analysis, I develop a set of binomial logistic regression models, with intent to migrate illegally in the next 12 months as the dependent variable. All results

Table 1. Descriptive and Bivariate Statistics for Variables Used in the Analysis of Intent to Migrate Illegally

Variables	Total Sample (N = 1,353)		Intend to Migrate Illegally		Comparison of No vs. Yes Populations
	Mean	SD	No (N = 1,229) Mean	Yes (N = 124) Mean	
Demographic Variables					
Age (years)	35.35	13.83	36.04	28.52	***
Head of household	.55		.57	.33	***
Never married[a]	.37		.36	.48	**
Education (years)	9.51	3.95	9.56	9.09	***
Has been to the U.S. illegally	.11		.09	.27	***
Economic Variables					
Finding a job in the U.S. is very difficult[b]	.30		.32	.14	***
Finding a job in Mexico is very difficult[b]	.28		.25	.59	***
Ln expected hourly wages in the U.S. (USD)	2.31	.38	2.31	2.29	
Ln expected hourly wages in Mexico (MXN)	3.30	.59	3.32	3.06	***
Expected cost of crossing illegally (MXN in 1,000s)	25.79	10.12	25.24	31.26	***
Crossing illegally is very dangerous[c]	.81		.84	.56	***
Possibility of apprehension while crossing illegally is a lot[d]	.65		.67	.45	***
Possibility of apprehension while working illegally in the U.S. is a lot[d]	.22		.23	.12	**
Sanctions are very severe if caught while crossing illegally[e]	.17		.17	.10	*
Sanctions are very severe if caught while working illegally[e]	.22		.22	.20	
Normative Variables					
It's OK to disobey the law when you disagree with it	.22		.20	.38	***
Disobeying the law is sometimes justified	.55		.53	.80	***
It's OK to enter the U.S. illegally if need money	.88		.88	.94	*
It's OK to enter the U.S. illegally to make more money even with a good job in Mexico	.12		.12	.19	*
U.S. government has no right to limit immigration	.66		.64	.86	***
Mexicans have a right to be in the U.S.	.52		.49	.82	***
Many/some family and friends have tried to cross illegally[f]	.56		.52	.88	***
Many/some family and friends would approve of crossing illegally[f]	.29		.26	.57	***

Note: Results not shown for community-of-origin dummy variables. Expected wages and costs in 2008 dollars or pesos.
[a]Reference category is married/other.
[b]Reference category is easy/somewhat difficult.
[c]Reference category is not/somewhat dangerous.
[d]Reference category is little/some.
[e]Reference category is not/somewhat severe.
[f]Reference category is a few/none.
*$p < .05$; **$p < .01$; ***$p < .001$ (two-tailed tests).

presented are in the form of odds ratios (rather than coefficient estimates). The odds ratio represents the odds of intending to migrate illegally versus not migrating. An odds ratio higher than 1 indicates an increase in the odds associated with a one-unit increase in a given independent variable. An odds ratio between 0 and 1 indicates a decrease in the odds associated with a one-unit increase in a given independent variable.

Table 2 shows four nested models. Model 1 is a baseline model that focuses on effects of basic demographic factors on respondents' intent to migrate illegally. Model 2 adds economic variables, and Model 3 adds normative variables.[8] In Model 4, discussed at the end of this section, I carry out a forward-stepwise regression analysis. According to Wald test results, Model 2 fits the data significantly better than does Model 1, and Model 3 fits the data significantly better than does Model 2.[9] The following discussion focuses primarily on Model 3, the full model.

All of the control variables are significant in Model 1, but the only control variables that remain significant in Model 3 are age and education. Model 3 shows that each additional year of age reduces the odds of intending to migrate illegally by 5 percent ([1 − .948] x 100), and each additional year of education reduces the odds of intending to migrate illegally by 7 percent.

Next, I examine the economic variables in Model 3 of Table 2. Results show that expectations about the availability of jobs in Mexico have a significant effect on the intent to migrate illegally. The odds of intending to migrate illegally are almost three times higher (odds ratio = 2.763) for respondents who believe it is very difficult to find a job in Mexico than for respondents who believe it is easy/somewhat difficult.

As Model 3 of Table 2 shows, every thousand pesos of expected migration costs increases the odds of intending to migrate illegally by about 3 percent, although the effect is not highly significant. The positive relationship between the cost and intent-to-migrate variables is likely because respondents who are serious about migrating are more likely to engage in information gathering about the

practicalities of migrating (such as smuggling fees), which might lead them to higher, and perhaps more accurate, cost estimates.[10] The odds of intending to migrate illegally are 57 percent lower for respondents who believe it is very dangerous to migrate illegally than for those who believe it is not/somewhat dangerous. This may be because individuals who intend to migrate illegally often pay a human smuggler to guide them through the border, which likely reduces perceptions of danger associated with the journey.

Note that none of the four variables measuring the perceived certainty of apprehension and severity of punishment are statistically significant in Model 3. This result is consistent with previous research that found no association between apprehension probability at the U.S.–Mexico border and the total volume of unauthorized migration to the United States (Cornelius 1989; Espenshade 1994; Fuentes et al. 2007; Reyes, Johnson, and Van Swearingen 2002). The lack of significance of perceived severity of punishment is also consistent with legal noncompliance research that finds severity of punishment is relatively less important than certainty of apprehension in deterring crime (see Nagin and Pogarsky 2001).

Next, I turn to normative variables in Model 3 of Table 2. The first two normative variables capture people's general attitudes toward the law. Previous research suggests that feelings of obligation to obey the law—what some refer to as respect for the rule of law—predict whether people comply with specific rules in any given context (Bergman 2009; Tyler [1990] 2006). The BIS sought to capture two different dimensions of this attitude. The first item, which asks whether "it is okay to disobey the law when you disagree with it," measures people's respect for the rule of law as a matter of general principle, whereas the second item, "disobeying the law is sometimes justified," forces respondents to consider concrete contingencies and exceptions to universal application of the law. Model 3 shows that only the latter item is statistically significant; the odds of intending to migrate illegally are 80 percent higher for respondents who believe that disobeying the law is sometimes justified. This result suggests that

Table 2. Odds Ratios from Logistic Regression Analysis of Intent to Migrate Illegally among Individuals at Risk of Migrating Illegally

Variables	Intend to Migrate Illegally in the Next 12 Months			
	Model 1	Model 2	Model 3	Model 4
Demographic Variables				
Age (years)	.934***	.939***	.948***	.940***
	(.013)	(.013)	(.013)	(.013)
Head of household	.428**	.738	.781	.688
	(.138)	(.265)	(.293)	(.251)
Never married[a]	.538*	.638	.687	.618
	(.168)	(.229)	(.246)	(.213)
Education (years)	.910**	.913*	.926*	.914**
	(.031)	(.035)	(.035)	(.032)
Has been to the U.S. illegally	4.021***	2.374**	1.899	2.120*
	(1.138)	(.742)	(.626)	(.654)
Economic Variables				
Finding a job in the U.S. is very difficult[b]		.531*	.620	
		(.171)	(.206)	
Finding a job in Mexico is very difficult[b]		3.267***	2.763***	2.915***
		(.748)	(.671)	(.676)
Ln expected hourly wages in the U.S. (USD)		1.573	1.846	1.885*
		(.521)	(.656)	(.598)
Ln expected hourly wages in Mexico (MXN)		.783	.743	
		(.220)	(.200)	
Expected cost of crossing illegally (MXN in 1,000s)		1.043**	1.029	
		(.015)	(.015)	
Crossing illegally is very dangerous[c]		.357***	.431**	.392***
		(.099)	(.123)	(.100)
Possibility of apprehension while crossing illegally is a lot[d]		.644	.911	
		(.169)	(.256)	
Possibility of apprehension while working illegally in U.S. is a lot[d]		.808	.716	
		(.282)	(.262)	
Sanctions are very severe if caught while crossing illegally[e]		.818	.741	
		(.328)	(.281)	
Sanctions are very severe if caught while working illegally[e]		.809	.867	
		(.252)	(.273)	

(continued)

Table 2. *(continued)*

Variables	Intend to Migrate Illegally in the Next 12 Months			
	Model 1	Model 2	Model 3	Model 4
Normative Variables				
It's OK to disobey the law when you disagree with it			1.258	
			(.313)	
Disobeying the law is sometimes justified			1.798*	1.941*
			(.534)	(.537)
It's OK to enter the U.S. illegally if need money			1.106	
			(.524)	
It's OK to enter the U.S. illegally to make more money even with a good job in Mexico			2.557**	2.473**
			(.805)	(.720)
U.S. government has no right to limit immigration			1.097	
			(.418)	
Mexicans have a right to be in the U.S.			2.242*	2.735***
			(.737)	(.772)
Many/some family and friends have tried to cross illegally[f]			3.225***	3.782***
			(1.094)	(1.201)
Many/some family and friends would approve of crossing illegally[f]			1.362	
			(.371)	
Log pseudolikelihood	−332.48	−291.41	−264.33	−271.91
Wald Test χ²(df) (Model 2 v. 1; 3 v. 2; 4 v. 1)		61.27 (10)***	39.70 (8)***	77.17 (7)***

Note: $N = 1,353$. All models adjusted for clustering at the household level; cluster-robust standard errors are in parentheses. Results not shown for community-of-origin dummy variables. Expected wages and costs in 2008 dollars or pesos.
[a]Reference category is married/other.
[b]Reference category is easy/somewhat difficult.
[c]Reference category is not/somewhat dangerous.
[d]Reference category is little/some.
[e]Reference category is not/somewhat severe.
[f]Reference category is a few/none.
*$p < .05$; **$p < .01$; ***$p < .001$ (two-tailed tests).

general legal attitudes may be a useful predictor of specific law-abiding behavior, but only insofar as the attitude relates to respect for the rule of law at a practical, rather than philosophical or abstract, level.

The next two variables relate to views about the morality of violating U.S. immigration law. The odds of intending to migrate illegally are 2.6 times higher for respondents who believe "it is okay to migrate illegally to the United States to make more money even with a good job in Mexico." However, the variable that captures the view, "it is okay to enter the United States without papers if you need money to support one's family," is not statistically significant. This result suggests that broader moral claims to migration than mere necessity may be at play in decisions about unauthorized migration. The sensibilities underlying this moral economy might be akin to what Gezelius (2002:309) refers to as "the right to secure a satisfactory life" in a Norwegian fishing community, where a fisherman could break a law with little social risk, provided he was acting in accordance with his "moral right to secure for himself an income good enough to stay in the business and to make a reasonable living of it."

The next two variables relate to views about the legitimacy of U.S. authority. I first investigated people's general views about the right of the United States as a sovereign nation to control its borders. This item has no significant effect on the intent to migrate illegally. Second, I explored people's views about the legitimacy of U.S. authority to regulate the movement of Mexicans in particular. The odds of intending to migrate illegally more than double for respondents who believe "Mexicans have a right to be in the United States" without the U.S. government's permission. This result indicates that views about the narrow legitimacy of a government to regulate the cross-border movement of a specific group to which one belongs matter, even if views about a sovereign nation's right to control its borders more generally may not. This finding has significant implications in the era of rapid globalization, as it suggests that certain types of governmental legitimacy

may play an important role in inter-polity contexts (i.e., individuals' deference to foreign governments).

If perceptions of legitimacy are important determinants of legal compliance, what promotes legitimating beliefs? Following Levi and colleagues (Levi and Sacks 2009; Levi et al. 2009), I explored this question by investigating effects of perceived procedural justice on legitimating beliefs. Recall that the two procedural justice items on the BIS asked: "Do you think the U.S. immigration service treats Mexican immigrants fairly?" and "Do you think the U.S. immigration service treats lighter-skinned immigrants better than darker-skinned immigrants?" Table 3 shows that both of these items have significant effects on the two types of legitimating beliefs elicited on the BIS, controlling for various demographic, economic, and other normative variables. Specifically, respondents who believe the U.S. immigration service treats Mexicans fairly have 37 percent lower odds of believing the United States has no right to limit immigration, and 75 percent lower odds of believing that Mexicans have a right to be in the United States without the U.S. government's permission. Respondents who believe the U.S. immigration service treats lighter-skinned immigrants better than darker-skinned immigrants have almost three times higher odds of believing that the U.S. government has no right to limit immigration, and almost two times higher odds of believing that Mexicans have a right to be in the United States without the U.S. government's permission. In short, consistent with existing research, perceptions of procedural justice are positively related to views about the legitimacy of legal authority (Levi and Sacks 2009; Levi et al. 2009; Tyler 2006). Later, I discuss important theoretical and policy implications of these findings.

In terms of social norms, Model 3 of Table 2 includes two different variables: (1) descriptive norms that refer to individuals' perceptions of how reference-group members *actually* behave; and (2) prescriptive norms that refer to individuals' perceptions of how reference-group members believe the individual *should* behave. Only the descriptive

Table 3. Odds Ratios from Logistic Regression Analysis of Perceptions of Legitimacy of U.S. Authority

Variables	U.S. Government Has No Right to Limit Immigration	Mexicans Have a Right to Be in the United States
Demographic Variables		
Age (years)	1.000	.992
	(.008)	(.007)
Head of household	1.286	1.582
	(.384)	(.387)
Never married[a]	1.038	1.275
	(.313)	(.314)
Education (years)	.981	.974
	(.021)	(.020)
Has been to the U.S. illegally	1.256	1.481
	(.342)	(.365)
Economic Variables		
Finding a job in the U.S. is very difficult[b]	.754	.872
	(.121)	(.136)
Finding a job in Mexico is very difficult[b]	1.310	1.162
	(.227)	(.185)
Ln expected hourly wages in the U.S. (USD)	.939	.724
	(.197)	(.149)
Ln expected hourly wages in Mexico (MXN)	.722*	.677**
	(.106)	(.100)
Expected cost of crossing illegally (MXN in 1,000s)	1.019*	1.026***
	(.008)	(.008)
Crossing illegally is very dangerous[c]	.784	.872
	(.156)	(.159)
Possibility of apprehension while crossing illegally is a lot[d]	.456***	.272***
	(.080)	(.046)
Possibility of apprehension while working illegally in U.S. is a lot[d]	1.313	1.590**
	(.240)	(.281)
Sanctions are very severe if caught while crossing illegally[e]	2.883***	1.821**
	(.673)	(.398)
Sanctions are very severe if caught while working illegally[e]	.455***	.562**
	(.093)	(.115)
Normative Variables		
It's OK to disobey the law when you disagree with it	1.813**	2.694***
	(.394)	(.504)
Disobeying the law is sometimes justified	4.073***	2.160***
	(.633)	(.307)
It's OK to enter the U.S. illegally if need money	1.006	1.158
	(.234)	(.264)
It's OK to enter the U.S. illegally to make more money even with a good job in Mexico	.902	1.413
	(.230)	(.326)
U.S. immigration service treats Mexicans fairly	**.631***	**.251***
	(.133)	**(.064)**
U.S. immigration service treats lighter-skinned immigrants better	**2.699***	**1.795***
	(.399)	**(.249)**
Many/some family and friends have tried to cross illegally[f]	.952	1.003
	(.157)	(.154)
Many/some family and friends would approve of crossing illegally[f]	2.134***	1.385
	(.414)	(.234)

Note: N = 1,353. All models adjusted for clustering at the household level; cluster-robust standard errors are in parentheses. Results not shown for community-of-origin dummy variables. Expected wages and costs in 2008 dollars or pesos.
[a]Reference category is married/other.
[b]Reference category is easy/somewhat difficult.
[c]Reference category is not/somewhat dangerous.
[d]Reference category is little/some.
[e]Reference category is not/somewhat severe.
[f]Reference category is a few/none.
*p < .05; **p < .01; ***p < .001 (two-tailed tests).

norms variable is significant in Model 3. Specifically, the odds of intending to migrate illegally are more than three times higher for respondents who have many/some family and friends who have tried to migrate to the United States illegally.

Before concluding, I pause here to take stock of these findings by considering the relative strength of the normative variables in predicting the intent to migrate illegally. According to Model 4 of Table 2, which shows results of forward-stepwise regression that adds the economic and normative variables one at a time in the order of their significance (selected for inclusion if $p < .05$), the same four normative variables are significant as were significant in Model 3. Having many or some friends/family who have tried to cross illegally (i.e., descriptive norms variable) is the strongest normative predictor of the intent to migrate illegally, having the largest odds ratio (3.782 in Model 4). The second most powerful normative predictor is an individual's agreement with the statement that Mexicans have a right to be in the United States (i.e., legitimacy variable), which increases the odds of intending to migrate illegally by a factor of 2.735, as shown in Model 4. The next most powerful set of normative predictors is agreement with the view that it is okay to enter the United States illegally to make more money even with a good job in Mexico (i.e., morality variable), followed by agreement with the statement that disobeying the law is sometimes justified (i.e., general legal attitude variable). The relative strength of the legitimacy variable suggests that insofar as deterrence is an important goal in U.S. immigration policy, fostering greater perceptions of legitimacy (e.g., through promotion of greater procedural fairness) ought to be an urgent priority for U.S. policymakers.

DISCUSSION AND CONCLUSIONS

This study uses a unique dataset containing extensive demographic and attitudinal data on individuals in Mexico to examine the relative salience of economic factors and normative values on individuals' decisions to migrate illegally. On the cost-benefit side, the following economic variables play an important role in the decision to migrate illegally: (1) perceived availability of jobs in Mexico, and (2) perceived dangers of crossing the border. On the normative side, the significant predictors of decisions to migrate illegally are (1) belief that disobeying the law is sometimes justified, (2) belief that it is okay to migrate illegally in search of economic opportunities beyond basic survival, (3) belief that Mexicans have a right to be in the United States without the U.S. government's permission, and (4) perception that family and friends have tried to migrate illegally.

It is helpful to consider these results in light of the distinctive nature of unauthorized migration from Mexico. Mexicans constitute the largest segment (about 60 percent) of the unauthorized population in the United States (Hoefer, Rytina, and Baker 2010). The prevalence of unauthorized migrants from Mexico is due to a long history of U.S. involvement in Mexican economic and political affairs, as well as active and sustained labor recruitment efforts by the U.S. government and U.S. employers (for a history, see Massey et al. 1987). For decades, U.S.–Mexico migration was a "well-regulated, highly predictable, and largely self-sustaining system based on the circular movement" of unauthorized male workers (Massey, Durand, and Malone 2002:51). Beginning in the mid-1980s, however, unauthorized Mexican migration became the focal point of political controversy and public hysteria, leading to an increasingly restrictive enforcement policy. By increasing the costs of return migration, this policy had the unintended consequence of producing an increasingly permanent and marginalized population of unauthorized Mexican migrants scattered throughout the United States (Durand, Massey, and Capoferro 2005). I present this brief historical summary as a reminder that although the model of unauthorized migration presented here is a general one, its application and results will vary across different immigrant groups depending on the particularities of their migration history and modes of reception.

This study makes several important contributions to research on international migration and legal noncompliance. First, this is the first study of its kind to empirically test the neoclassical model as a *subjective, micro-level* model in the context of unauthorized migration. In the process, this study identified specific components of the cost-benefit analysis that are significant determinants of individuals' decisions to migrate illegally. This finding represents an important advance in understanding would-be migrants' decision-making processes. It is easy to set up an overly simplified version of the neoclassical model as a straw man and to knock it down on the basis that it lacks realism. Here, however, I took seriously the foundational premises of the neoclassical model on its own terms and tested them empirically with data collected specifically for this purpose. The results are surprising in that only a couple of the cost-benefit calculations expected to matter proved to be significant. Remarkably, neither perceived risks of apprehension nor severity of sanctions were significantly related to people's intent to migrate illegally.

Second, as discussed earlier, the full model that includes normative variables fits the data significantly better than the model containing only demographic and economic variables, suggesting that the neoclassical model, although useful, is insufficient in explaining noncompliance with immigration law. The view of would-be migrants as atomistic, utility-maximizing opportunists diverts our attention away from the complex and wide-ranging moral systems within which prospective migrants are embedded. Understanding unauthorized migrants as moral agents capable of responding to and resisting perceived inequities underlying U.S. immigration policy may have significant implications for investigating not only their migration decisions, but also their behavior and incorporation patterns once they enter the United States. For example, collective action by unauthorized migrants, such as political protests and labor unionization, cannot be fully understood without reference to their legal and class consciousness.

Third, this study makes important contributions to research on legal noncompliance. Although scholarship on legal noncompliance has become increasingly interdisciplinary and diverse in its focus, it has yet to systematically consider how individuals respond to the laws of foreign governments. Because immigration law occupies a unique position in our legal system as the only domestic law that is largely directed toward regulating the behavior of noncitizens, a focus on noncompliance opens up important new inquiries about the dynamics of law-abiding behavior among nonmembers. For example, consider the findings relating to effects of perceptions of procedural justice on legitimating beliefs. According to the group-value model (also known as the relational model) of procedural justice, legal authorities' adherence to procedural justice is important because fair treatment signals to people that they are full and valued members of the group (Paternoster et al. 1997; Tyler [1990] 2006). Thus, people are more likely to care about procedural justice when the authority is part of a group to which people feel identified or emotionally connected (Tyler and Smith 1999). Although Mexicans are not formal members of the U.S. polity, there is a long-standing history of deep cultural, social, and economic interdependence between the two countries that might make issues of procedural justice more salient for Mexicans than for other groups. Continuing efforts by the U.S. government to selectively target and marginalize unauthorized Mexican migrants might thus have the unintended consequence of producing lesser, rather than greater, voluntary deference to U.S. immigration law, as increasing numbers of Mexicans come to question the legitimacy of U.S. legal authority.

Finally, this study extends the growing field of research known as behavioral economics. At the core of behavioral economics is the idea that the explanatory power of neoclassical economics can be increased by using insights from various subfields of psychology. Beginning with seminal work by such scholars as Tversky and Kahneman (1974), behavioral economists have sought to explain

anomalies or deviations from the rational-choice model of behavior by relaxing or modifying the model's assumption of coherent and stable preferences and utility maximization (Camerer and Loewenstein 2004). For example, recent years have seen a growing call for a more systematic examination of emotions (e.g., envy, shame, and guilt) and social norms (e.g., fairness, trust, and reciprocity), and how these emotions and norms might combine with rational self-interest to produce economic behavior (Kaufman 2006). But even in these endeavors, the focus of behavioral economics has been on issues of cognition rather than motivation (Tyler and De Cremer 2006). This study demonstrates how the moral economy literature may be brought into a quantitative modeling framework that goes beyond relegating normative values into simple cognitive mechanisms that merely enhance or impair effective decision-making.

Taken together, the MMP and the BIS offer extensive data uniquely suited for addressing the questions raised in this study. However, important questions remain that are beyond the scope of this study. Inclusion of women in future surveys may produce important insights into gender differences in decision-making processes of unauthorized migrants. For example, as Andrews, Ybarra, and Miramontes (2002) suggest in their qualitative study of unauthorized immigrant women, individual cost-benefit calculations and income maximization might play a less prominent role than other motivations, such as family reunification, in women's initial migration decisions. Given the growing prevalence of female migration (Donato 2010), this is an important area of research that merits further investigation.

If migrants hold certain opinions, beliefs, and values that affect their behavioral patterns and decisions, how and why do they come to hold such beliefs? It would be illuminating to examine the process of transmission of values and norms about the meaning of unauthorized migration within families, given that families constitute basic socializing agents. This question also calls for a careful analysis of various economic and political factors that shape private and public opinion in sending communities. Another promising and related avenue of investigation is whether and to what extent normative values may be susceptible to policy changes. Given that laws pertaining to immigration and immigrants tend to arouse extreme emotional and political reactions within and outside the United States, we might find that prospective migrants' normative judgments are surprisingly more responsive to policy changes than are their cost-benefit calculations.

Immigration law is in some ways the quintessential example of a morally ambiguous law. Legal scholars typically refer to noncompliance with immigration law (i.e., unauthorized entry and presence) as a *malum prohibitum* offense (an act that is wrong solely because it is prohibited by law) rather than a *malum in se* offense (an act that is wrong because it is morally wrong). Consequently, tension exists not only between would-be migrants and U.S. citizens, but among various stakeholders within the United States, about what kind of policy is appropriate when it comes to unauthorized migration. To many would-be migrants, as well as U.S. citizens, there is a lack of moral credibility to a law perceived as preventing individuals from working to support their families. For many, there is also no moral credibility to a law that seems to punish individuals for satisfying the demands of U.S. households and corporations for cheap foreign labor.

That immigration law is fraught with these and other moral tensions is significant to understanding the widespread noncompliance with U.S. immigration law. As Robinson and Darley (1997:482) argue, "when a society contains groups with a strong and deeply felt moral disagreement . . . the situation is destructive of the law's moral credibility and thus its power to gain compliance." The greatest challenge, then, from both research and policy perspectives, may be to gain a better understanding of the sources and dynamics of these tensions (both within and outside our borders) and what these tensions imply for unauthorized migrants' decision-making processes and behaviors.

Table A1. Characteristics of Surveyed Communities and Their Surrounding Municipalities

	Community 1	Community 2	Community 3	Community 4	Community 5	Community 6	Community 7	Community 8
Basic Characteristics (Community)								
Metropolitan category	Town	Town	Rancho	Metropolitan area	Smaller urban area	Town	Metropolitan area	Metropolitan area
Population size	11,000	3,000	2,000	145,000	7,000	3,000	1,646,000	18,000
Infrastructure (Municipality)								
Percent homes with running water	71.98	38.20	82.03	92.34	98.72	98.01	99.73	88.99
Percent homes with electricity	98.44	98.77	97.79	98.75	99.32	96.80	99.84	99.29
Percent homes with no indoor plumbing	20.75	8.76	13.65	2.01	4.93	3.90	.11	3.30
Socioeconomic Profile (Municipality)								
Percent population older than 12 years with at least 6 years of education	60.85	69.03	57.95	76.79	54.45	61.72	84.18	72.35
Percent population older than 15 years who are illiterate	15.88	8.98	19.40	8.50	16.68	7.69	2.56	6.12
Percent male labor force participation	67.39	62.88	70.77	72.55	60.64	71.84	74.25	75.98
Percent male labor force in agriculture	62.09	49.34	53.10	13.67	50.35	50.70	0.61	2.48
Percent male labor force in manufacturing	17.80	24.92	22.74	29.99	24.72	25.74	36.48	60.41
Percent male labor force in service industry	20.11	25.74	24.16	56.34	24.93	23.55	62.91	37.11
Percent population economically active earning less than minimum wage	44.01	44.91	39.46	20.74	33.58	46.14	8.98	9.17
Percent population economically active earning at least twice minimum wage	18.73	20.45	23.28	42.64	34.37	22.23	64.78	57.23
Migration Profile (Community)								
Percent adults with migration experience	4.95	5.88	23.27	4.91	16.50	10.12	4.30	3.73
Percent male with migration experience	9.36	10.68	37.09	7.41	27.69	18.37	7.75	6.50
Percent female with migration experience	.72	.54	7.85	2.44	4.21	2.01	.79	.85

Table A2. Description of Measures Used in Bivariate and Multivariate Analyses

Variable	Survey Item	Coding
Intent to Migrate Variable		
Intend to migrate illegally in the next 12 months	Do you intend to go to the U.S. during the next 12 months? If yes, what kind of document will you use to go the U.S.?	1 = yes, without documents; 0 = no, do not intend to migrate
Demographic Variables		
Age	Respondent's age	years
Head of household	Respondent is a head of household	1 = yes; 0 = no
Never married	Respondent's marital status	1 = never married; 0 = otherwise (married/consensual union/widowed/divorced/separated)
Education	Number of school years completed by respondent	years
Has been to the U.S. illegally	Respondent has been to the U.S. without documents	1 = yes; 0 = no
Economic Variables		
Finding a job in the U.S. is very difficult	How easy or difficult do you think it is for you to find a job somewhere in the U.S.?	1 = very difficult; 0 = otherwise (easy/somewhat difficult)
Finding a job in Mexico is very difficult	How easy or difficult do you think it is for you to find a job somewhere in Mexico?	1 = very difficult; 0 = otherwise (easy/somewhat/difficult)
Ln expected hourly wages in the U.S.	If you were to go to the U.S. to work, based on your abilities and your work experience, how much money do you think you can make per hour or per week in the U.S.?	Log(USD), 2008 dollars
Ln expected hourly wages in Mexico	How much money do you think you can make per hour, per week, or per bi-weekly in Mexico?	Log(MXN), 2008 pesos
Expected cost of crossing illegally	If you were to go to the U.S. to work, how much would it cost in total for you to go to the U.S.?	MXN in 1,000s, 2008 pesos
Crossing illegally is very dangerous	How dangerous do you think it would be for you to cross the border without papers?	1 = very dangerous; 0 = otherwise (not/somewhat dangerous)
Possibility of apprehension while crossing illegally is a lot	What is the possibility you would get caught if you tried to cross the border without papers?	1 = a lot; 0 = otherwise (little/some)
Possibility of apprehension while working illegally in U.S. is a lot	And if you crossed the border and were working in the U.S., what is the possibility of getting caught?	1 = a lot; 0 = otherwise (little/some)
Sanctions are very severe if caught while crossing illegally	How severe do you think the punishment would be if you got caught trying to cross the border without papers?	1 = very severe; 0 = otherwise (not/somewhat severe)

(continued)

Table A2. *(continued)*

Variable	Survey Item	Coding
Sanctions are very severe if caught while working illegally	How severe do you think the punishment would be if you got caught while working in the U.S. without papers?	1 = very severe; 0 = otherwise (not/somewhat severe)
Normative Variables		
It's OK to disobey the law when you disagree with it	Is it okay to disobey the law when you disagree with it?	1 = yes; 0 = no
Disobeying the law is sometimes justified	Is disobeying the law sometimes justified?	1 = yes; 0 = no
It's OK to enter the U.S. illegally if need money	Is it okay to enter the U.S. without papers if you need money to support your family?	1 = yes; 0 = no
It's OK to enter the U.S. illegally to make more money even with a good job in Mexico	What if you have a good job in Mexico but want to make more money in the U.S., is it okay to enter the U.S. without papers?	1 = yes; 0 = no
U.S. government has no right to limit immigration	Should the U.S. government have the right to limit the number of immigrants who can enter the country?[a]	1 = yes; 0 = no
Mexicans have a right to be in the U.S.	Should Mexicans have the right to enter the U.S. without getting permission from the U.S. government?	1 = yes; 0 = no
Many/some family and friends have tried to cross illegally	How many of your family members, relatives, and friends have tried to go to the U.S. without papers?	1 = many/some; 0 = otherwise (a few/none)
Many/some family and friends would approve of crossing illegally	How many of your family members, relatives, and friends would approve if you wanted to go to the U.S. without papers?	1 = many/some; 0 = otherwise (a few/none)
U.S. immigration service treats Mexicans fairly	Do you think the U.S. immigration service treats Mexican immigrants fairly?	1 = yes; 0 = no
U.S. immigration service treats lighter-skinned immigrants better	Do you think the U.S. immigration service treats lighter-skinned immigrants better than darker-skinned immigrants?	1 = yes; 0 = no

[a]This item was reverse-coded in regression analyses (1 = U.S. government has no right to limit immigration; 0 = otherwise).

Table A3. Correlation Matrices of Economic and Normative Variables Used in Multivariate Analyses

	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Economic Variables										
(1) Finding a job in the U.S. is very difficult	1.000									
(2) Finding a job in Mexico is very difficult	−.038	1.000								
(3) Ln expected hourly wages in the U.S. (USD)	−.162	−.028	1.000							
(4) Ln expected hourly wages in Mexico (MXN)	−.072	−.157	.297	1.000						
(5) Expected cost of crossing illegally (MXN in 1,000s)	.116	.138	−.139	−.190	1.000					
(6) Crossing illegally is very dangerous	.089	−.013	.017	.050	−.025	1.000				
(7) Possibility of apprehension while crossing illegally is a lot	.087	.011	.020	.040	−.045	.364	1.000			
(8) Possibility of apprehension while working illegally in U.S. is a lot	.105	−.014	−.014	.007	−.040	.097	.233	1.000		
(9) Sanctions are very severe if caught while crossing illegally	.117	.006	−.023	.033	.008	.020	.123	.307	1.000	
(10) Sanctions are very severe if caught while working illegally	.093	.049	−.039	.049	.026	−.034	.114	.283	.555	1.000
Normative Variables										
(1) It's OK to disobey the law when you disagree with it	1.000									
(2) Disobeying the law is sometimes justified	.209	1.000								
(3) It's OK to enter the U.S. illegally if need money	−.012	−.031	1.000							
(4) It's OK to enter the U.S. illegally to make more money even with a good job in Mexico	.070	.088	−.219	1.000						
(5) U.S. government has no right to limit immigration	.174	.389	−.001	.077	1.000					
(6) Mexicans have a right to be in the U.S.	.252	.304	.004	.103	.595	1.000				
(7) Many/some family and friends have tried to cross illegally	.166	.134	.073	.017	.084	.073	1.000			
(8) Many/some family and friends would approve of crossing illegally	.070	.157	.099	.122	.178	.103	.371	1.000		
(9) U.S. immigration service treats Mexicans fairly	.009	−.082	−.107	.018	−.163	−.197	−.040	−.057	1.000	
(10) U.S. immigration service treats lighter-skinned immigrants better	−.016	.161	.010	.098	.259	.195	−.030	.065	−.293	1.000

Table A4. Comparison of Respondents Intending to Migrate Legally versus Illegally

Variables	Intend to Migrate Legally (N = 47)		Intend to Migrate Illegally (N = 124)		Comparison of Legally vs. Illegally Populations
	Mean	SD	Mean	SD	
Demographic Variables					
Age (years)	36.45	14.99	28.52	9.86	***
Head of household	.55		.33		**
Never married[a]	.36		.48		
Education (years)	9.77	4.38	9.09	3.27	
Has been to the U.S. illegally	.28		.27		
Economic Variables					
Finding a job in the U.S. is very difficult[b]	.21		.14		
Finding a job in Mexico is very difficult[b]	.47		.59		
Ln expected hourly wages in the U.S. (USD)	2.38	.69	2.29	.30	*
Ln expected hourly wages in Mexico (MXN)	3.28	.69	3.06	.45	
Expected cost of crossing illegally (MXN$ in 1,000s)	18.13	15.04	31.26	8.04	***
Crossing illegally is very dangerous[c]	.79		.56		**
Possibility of apprehension while crossing illegally is a lot[d]	.66		.45		*
Possibility of apprehension while working illegally in U.S. is a lot[d]	.38		.12		***
Sanctions are very severe if caught while crossing illegally[e]	.26		.10		**
Sanctions are very severe if caught while working illegally[e]	.19		.20		
Normative Variables					
It's OK to disobey the law when you disagree with it	.32		.38		
Disobeying the law is sometimes justified	.53		.80		***
It's OK to enter the U.S. illegally if need money	.79		.94		**
It's OK to enter the U.S. illegally to make more money even with a good job in Mexico	.13		.19		
U.S. government has no right to limit immigration	.62		.86		***
Mexicans have a right to be in the U.S.	.38		.82		***
Many/some family and friends have tried to cross illegally[f]	.72		.88		*
Many/some family and friends would approve of crossing illegally[f]	.40		.57		*

Note: Expected wages and costs in 2008 dollars or pesos.
[a]Reference category is married/other.
[b]Reference category is easy/somewhat difficult.
[c]Reference category is not/somewhat dangerous.
[d]Reference category is little/some.
[e]Reference category is not/somewhat severe.
[f]Reference category is a few/none.
*$p < .05$; **$p < .01$; ***$p < .001$ (two-tailed tests).

Notes

1. Penalties are higher in cases of re-entry of removed aliens (see 8 U.S.C. § 1326).

2. A few scholars have analyzed these normative factors within the rational choice paradigm by treating concepts such as shame and embarrassment as functionally similar to threats of legal sanction, in that these normative factors might also "reduce the expected utility of crime" (Grasmick and Bursik 1990:841). The conventional approach, however, is to treat normative factors as analytically distinct from utilitarian concerns that motivate cost-benefit calculations. My goal here is to determine whether and to what extent analyzing normative factors alongside economic factors advance our understanding of unauthorized migration. Of less importance is resolving the definitional or boundary issue of whether such an analysis falls within or outside the rational choice framework.

3. Two bodies of research that address related questions are worth noting. The first body of research focuses on how illegality is understood and experienced by unauthorized migrants in their daily lives in the United States (Abrego 2011; Gonzales 2011). The second body of research examines how unauthorized migrants negotiate terms of inclusion and exclusion and the varying paths into and out of legality (for a review, see Donato and Armenta 2011).

4. Van Dalen and Henkens (2008) also find a strong intention-behavior linkage in the case of Dutch emigration. Apart from Creighton (2013) and van Dalen and Henkens (2008), little is known about the extent to which intentions to migrate internationally translate into actual migration, as prior studies on this topic focus largely on internal or regional migration (see De Jong et al. 1986; Gubhaju and De Jong 2009).

5. There are several reasons why respondents may not eschew questions on border-crossing intentions. First, the BIS is administered in Mexico by native Mexican interviewers who have a strong rapport with respondents. Second, as respondents appear to be well aware, crossing the U.S.–Mexico border is not a violation of Mexican law and they cannot be apprehended in Mexico for expressing intentions to cross the border. Third, respondents are reassured that the survey does not collect any individually identifying information.

6. More than one member of the same household was allowed to participate in the BIS, so long as each individual satisfied the participation criteria. About 45 percent of respondents in the effective sample came from households in which they were the only member of their household who participated in the BIS.

7. Although multilevel modeling is typically considered a better approach than adjusting the standard errors in dealing with clustered data (Gelman and Hill 2007), multilevel modeling is not appropriate here because the number of observations in the clusters (in the case of households) and the number of clusters (in the case of communities) in the data are relatively small (Moineddin, Matheson, and Glazier 2007).

8. To test how economic considerations might modulate normative values, I entered normative variables in Model 2, followed by economic variables in Model 3. That analysis shows that effects of normative variables remain robust from Model 2 to Model 3 (results available on request).

9. Because estimates produced by logistic regression with the *vce (cluster)* option in Stata are not true maximum likelihood estimates, the likelihood ratio test is not appropriate for testing the nested models (Cameron and Trivedi 2009).

10. According to the MMP, average smuggling fees paid by unauthorized migrants from Mexico in 2008 were about \$2,600 USD (in 2010 constant dollars) (Rosenblum 2012). This figure is closer to the average cost estimate of respondents who intend to migrate illegally than of those who do not intend to migrate (about \$2,500 USD versus \$2,000 USD, respectively [see Table 1; MXN converted to USD in 2010 constant dollars]).

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Emily Ryo is currently a research fellow at the Program in Law & Society, Stanford Law School. She will be joining the faculty at the USC Gould School of Law as an assistant professor in the Fall of 2013. Her current work focuses on the effects of immigration policy on social relations and racial inequality, and the role of racial bias and moral judgments in producing immigrant and criminal underclasses. She received her JD from Harvard Law School, and PhD in Sociology from Stanford University.