



Dædalus

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Immigration & the Future of America

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Inside front cover: A naturalization ceremony at Fenway Park in Boston, September 17, 2008. More than 3,000 people took the oath of citizenship during the ceremony. © AP Photo/Steven Senne/Corbis Images.

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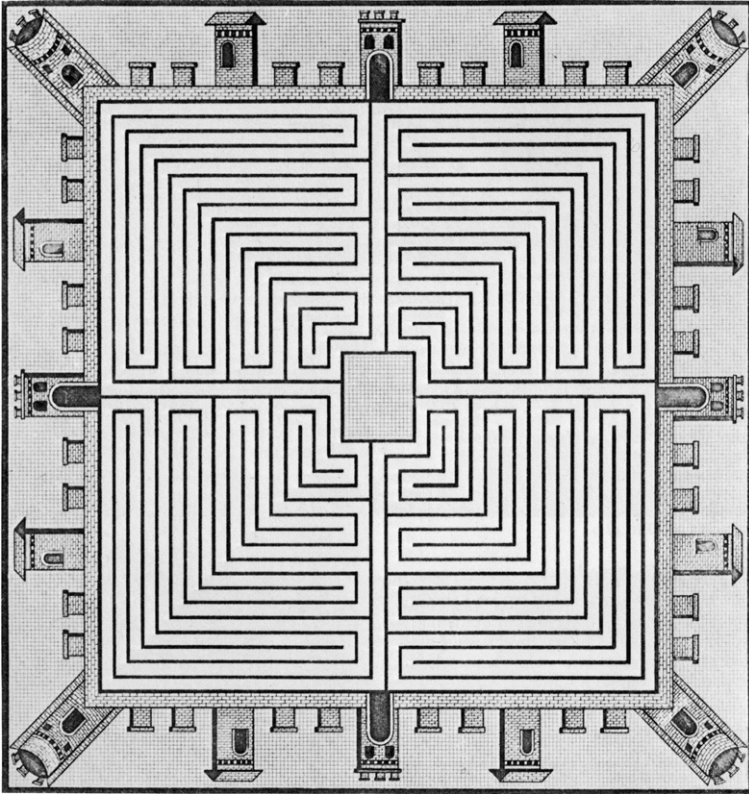
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Nineteenth-century depiction of a Roman mosaic labyrinth, now lost, found in Villa di Diomede, Pompeii

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America's Immigration Policy Fiasco: Learning from Past Mistakes

Douglas S. Massey

Abstract: In this essay I discuss how and why U.S. policies intended to stop Latin American immigration to the United States not only failed, but proved counterproductive by ultimately accelerating the rate of both documented and undocumented migration from Mexico and Central America to the United States. As a result, the Latino population grew much faster than demographers had originally projected and the undocumented population grew to an unprecedented size. Mass illegality is now the greatest barrier to the successful integration of Latinos, and a pathway to legalization represents a critical policy challenge. If U.S. policy-makers wish to avoid the failures of the past, they must shift from a goal of immigration suppression to one of immigration management within an increasingly integrated North American market.

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Following the landmark immigration reforms of 1965, which sought to eliminate the taint of racism from U.S. immigration law, America's immigration and border policies took an increasingly restrictive turn. For the first time, hard numerical limits were imposed on immigration from the Western Hemisphere. These limits were tightened in subsequent years, drastically reducing opportunities for legal entry from Mexico, our neighbor and the largest contemporary source of immigrants to the United States. Inevitably, these restrictions gave rise to mass undocumented migration.¹ In response to the rising tide of apprehensions, U.S. policy-makers increased border enforcement exponentially, scaling up deportations to record levels. The immigration enforcement industry presently costs the U.S. government an estimated \$18 billion per year; employs more than 20,000 Border Patrol Officers (an all-time high); and deports an unprecedented 400,000 undocumented migrants per year.²

Despite the astounding enforcement effort of the past several decades, net immigration from Latin America has only accelerated. From 1970 to 2010,

the percentage of foreign-born rose from 4.7 percent to 13 percent of the U.S. population, the undocumented population rose from a few thousand to a current total of 11 million persons, and Latinos climbed from 4.7 percent to 16.3 percent of the total population.³ If the goal of U.S. policy was to limit the number of Latin Americans living in the United States, it clearly failed. Although the 1965 liberalization of restrictions on Asian, African, and Southern/Eastern European immigration generally worked as expected – bringing in a diverse array of new immigrants in manageable numbers, many of whom were highly educated – the tightening of restrictions on immigration from the Americas backfired.

This failure derives from the fact that the immigration policies implemented in 1965 and thereafter were not founded on any rational, evidence-based understanding of international migration. Instead, they were enacted for domestic political purposes and reveal more about America's hopes and aspirations – and its fears and apprehensions – than anything having to do with immigrants or immigration *per se*. When policies are implemented for symbolic political purposes, and massive interventions are undertaken with no real understanding of how they might affect a complex social system such as immigration, the results are not only likely to be unanticipated, but counterproductive. And that is exactly what transpired in North America. The unintended consequences of U.S. immigration policy unleashed a chain reaction of events that produced an unprecedented boom in Latin American immigration to the United States, despite monumental enforcement efforts.

Our story begins with the crest of the civil rights movement in the 1960s, as legislators pushed to right the historical

wrong of racial segregation. The 1964 Civil Rights Act outlawed discrimination in hiring and service provision and put teeth into school desegregation; the 1965 Voting Rights Act guaranteed black suffrage and prohibited the various subterfuges by which African Americans historically had been disenfranchised; the 1968 Fair Housing Act prohibited discrimination in the rental or sale of housing; and the 1974 Equal Credit Opportunity Act banned discrimination in mortgage lending. Within a brief decade, the vestiges of racism were purged from the American legal code.

In the context of an expanding civil rights movement, the provisions within U.S. immigration policy that openly discriminated against Asians, Africans, and Southern/Eastern Europeans came to be seen as intolerably racist. In 1965, over vociferous Southern objections, Congress amended the Immigration and Nationality Act to create a new immigration system that allocated residence visas on the basis of skills and family ties to U.S. residents, rather than national origins.⁴ The legislation initially created separate numerical quotas for the Eastern and Western Hemispheres, but in 1978, the hemispheric caps were abandoned in favor of a single worldwide ceiling of 290,000 visas, with each nation eligible for up to around 20,000 visas per year. Immediate relatives of U.S. citizens were exempt from these numerical limits, however.⁵

Mexican immigration to the United States had averaged around 50,000 persons per year prior to 1965. In addition to this sizable inflow of legal immigrants, Mexico enjoyed access to a large temporary worker program that, from 1942 to 1964, enabled short-term visas for work in the United States, mostly in agriculture. At the program's height, some 450,000 Mexicans were entering each year as temporary laborers. As the civil rights era

gained momentum, however, the program came to be seen as exploitive and discriminatory, on par with Southern sharecropping. Congress began to cut back the number of work visas in 1960 and unilaterally terminated the program in 1965, despite strong protests from the Mexican government.⁶

The repeal of the discriminatory quotas and the termination of the temporary worker program had been undertaken for the laudable goal of ending racism in U.S. immigration policy; but in neither case did Congress give any consideration to what the consequences might be for the system of Mexican migration, which had evolved to become fully institutionalized by 1965. In the late 1950s, the United States was admitting a half-million Mexican migrants per year (all in legal status), roughly 90 percent for temporary work and 10 percent for permanent residence. By 1960, these flows were sustained by well-developed social networks that connected households and communities in Mexico to jobs and employers in the United States. Economic expectations and structures on both sides of the border were adapted to this reality.⁷

What would happen to this deeply entrenched, thoroughly institutionalized flow of migrants once opportunities for legal entry from Mexico were terminated? Congress did not address or even seriously consider this question; but migration theory and research yield the strong conclusion that immigration flows tend to acquire an obdurate momentum once they are supported by an institutionalized social infrastructure of networks, practices, and expectations, especially when conditions of labor supply and demand remain unchanged. As a result, when opportunities for legal entry disappeared after 1965, the massive inflow from Mexico simply reestablished itself under undocumented auspices. Undocumented

migration steadily rose in subsequent years until, by 1979, it roughly equaled the volume observed in the late 1950s, only now the overwhelming majority of migrants were “illegal.”⁸

Although little had changed except the documentation of the migrants, the rise of illegal migration after 1965 offered a golden opportunity for ambitious bureaucrats and cynical politicians to garner financial resources and political support; for by definition, illegal migrants were “criminals” and “lawbreakers,” and thus readily portrayed as a grave threat to the nation. Magazine articles on immigration published between 1970 and 2000 were characterized by the rise of a distinct “Latino threat narrative” that framed Latin Americans in general, and Mexicans in particular, using one of two threatening metaphors. On the one hand, migrants from the south were portrayed as a brown “flood” that would “inundate” American culture and “drown” its society. On the other hand, undocumented migrants were portrayed as “invaders” who “swarmed” across the border in “banzai charges” to overrun “outgunned” Border Patrol Agents who fought vainly to “hold the line” against the “alien invasion.”⁹

As the Cold War climaxed, the war on drugs accelerated, and the war on terror came to dominate public rhetoric, martial metaphors overtook marine metaphors. As the number of border apprehensions rose each year, press releases, news articles, and political speeches heralded the increase as confirmation of the ongoing invasion. Although the steady drumbeat of the Latino threat narrative inflamed public opinion and pushed it in a more conservative, restrictionist direction,¹⁰ from 1965 to 1979, the rise in apprehensions stemmed from actual increases in undocumented traffic at the

border, because formerly legal temporary migration was restored under undocumented auspices as circular illegal migration. After 1979, however, the number of undocumented entries stabilized and the rise in apprehensions was pushed forward by the intensifying enforcement effort.¹¹

The 1976 *Reader's Digest* article "Illegal Aliens: Time to Call a Halt!" – written by the Commissioner of the U.S. Immigration and Naturalization Service – reflects the popularized Latino threat narrative. In it, the commissioner alleges that his agency is "out-manned, under-budgeted, and confronted by a growing, silent invasion of illegal aliens" that "threatens to become a national disaster."¹² Through such scare tactics, he and other immigration officials and their political allies were successful in channeling ever-greater resources and personnel to combat the alleged invasion. The number of apprehensions began to rise in self-feeding fashion, even though the underlying traffic at the border was no longer increasing. Each new release of apprehension statistics was accompanied by a demand for more enforcement resources, which indeed produced more apprehensions, which justified still more enforcement resources. As a result, during the 1980s and 1990s, border enforcement increased exponentially in a manner that was completely detached from the actual number of undocumented migrants attempting to cross the border.¹³

From 1980 to 2000, the Border Patrol increased from 2,500 to 9,200 officers, and its budget rose from \$83 million to \$1.1 billion. In response, apprehensions surged from 817,000 to 1.7 million, even though independent estimates indicate the volume of undocumented entries was roughly constant. Despite the massive increase in border enforcement, the number of migrants entering the United States

without authorization changed little; but the sharp upward surge in the costs and risks of border crossing did alter the behavior of migrants, though not in ways expected by policy-makers. As enforcement personnel and matériel accumulated in the two busiest border sectors, migratory flows were diverted away from El Paso and, especially, San Diego, and toward the Sonoran desert and new crossing points on the Arizona border. This shift increased the average cost of crossing from roughly \$500 to \$3,000 per trip and tripled the death rate of undocumented migrants attempting the crossing. Having been forcibly pushed away from California, migrants continued on to new destinations, such as North Carolina, South Carolina, Georgia, Nebraska, and Iowa, states which in the 1990s came to house the most rapidly growing Latino populations.¹⁴

In addition to changing crossing and destination points, rising border enforcement also altered the propensity of migrants to circulate back and forth. Given the rising costs and risks of unauthorized border crossing, migrants quite logically minimized crossing – not by remaining in Mexico, but by settling more permanently in the United States. The principal effect of the progressive militarization of the Mexico-U.S. border was to reduce the rate of undocumented out-migration back to Mexico; it did not lower the rate of undocumented migration into the United States.¹⁵ The end result was a doubling of the net rate of illegal migration and a sharp increase in undocumented population growth through the 1990s and into the new century. In the course of two decades, the North American migration system was transformed from a circular flow of male workers going to California and a few other states into a settled population of families living in all fifty states. From 1988 to 2008, the

number of unauthorized residents of the United States grew from 1.9 million to 12 million, while the share residing in California dropped from 40 percent to 25 percent.¹⁶

Illegal migration has always been confounded in the public mind with threats to the nation's security – be they from Jacobins, papists, or Communists – and the 1980s were no exception. In the context of the Cold War and the proxy confrontation with the Soviet Union in Central America, President Reagan warned Americans that “terrorists and subversives are just two days’ driving time from [the border crossing at] Harlingen, Texas,” and in response to such rhetoric, the 1986 Immigration Reform and Control Act contained a host of provisions enacted to manage a potential “immigration emergency.” In another speech, Reagan predicted that extremist groups would “feed on the anger and frustration of recent Central and South American immigrants who will not realize their own version of the American dream.”¹⁷

With the collapse of the Soviet Union, illegal immigrants lost their value as a trope in the Cold War; however, they were quickly co-opted symbolically in the war on terror. In response to the 1993 attack on the World Trade Center and the 1995 bombing in Oklahoma City, Congress in 1996 passed the Anti-Terrorism and Effective Death Penalty Act and the Illegal Immigration Reform and Immigrant Responsibility Act. Following the 1998 bombing of the USS *Cole* in Yemen, the 2000 bombings of American embassies in Kenya and Tanzania, and the catastrophic attacks of September 11, 2001, Congress enacted the USA PATRIOT Act. These measures not only strengthened border enforcement, but very deliberately increased pressure on both legal and illegal immigrants within the United States.¹⁸

The 1996 legislation, for example, authorized removals from ports of entry without judicial hearings, declared undocumented migrants ineligible for public benefits, restricted access of documented migrants to certain means-tested programs, granted local agencies the power to assist in immigration enforcement, declared any alien who had *ever* committed a crime immediately deportable, authorized the “expedited exclusion” of any alien who had *ever* crossed the border without documents, granted authority to the State Department to designate any organization as “terrorist” and render all its members deportable, added alien smuggling to the list of crimes covered by the anti-mafia RICO statute, and severely limited the possibilities for judicial review of all deportations. The 2001 legislation granted executive authorities additional powers to deport, without presentation of evidence, any alien – legal or illegal – that the attorney general had “reason to believe” might commit, further, or facilitate acts of terrorism. It also authorized the arrest, imprisonment, and deportation of non-citizens upon the orders of the attorney general, again without judicial review.¹⁹

The cumulative result of these actions was a massive escalation of roundups in immigrant neighborhoods, raids at employment sites, “stop and frisk” actions on city streets, and traffic stops along public roadways. The end result was an exponential increase in immigrant detentions and deportations that threatened not only undocumented migrants, but any foreigner who was not a U.S. citizen. From 1990 to 2010, deportations from the United States rose from 30,000 to around 400,000 per year. In response, millions of legal immigrants rushed to undertake *defensive naturalization*: petitioning for U.S. citizenship in order to protect their rights and safeguard their ability to remain in the United States.²⁰

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Historically, Latin American and, especially, Mexican immigrants had displayed very low rates of naturalization. In the 1990s, however, citizenship applications surged in response to the rising tide of internal enforcement and cumulative restriction of liberties. Among Mexicans, the number of naturalizations had never exceeded 30,000 per year prior to 1990, and the total number in the two decades between 1970 and 1990 stood at just 233,000. However, Mexican naturalizations surged to 255,000 in 1996, with plateaus of 208,000 in 1999 and 232,000 in 2008, yielding a cumulative total of 2.1 million new citizens between 1990 and 2010.²¹

The surge in naturalizations is key to understanding the acceleration of legal immigration from Mexico that has unfolded in recent years, despite the annual cap of 20,000 visas per country; for as noted earlier, immediate relatives of U.S. citizens are exempt from numerical limits. Although legal permanent residents are authorized to petition for the entry of their spouses and minor children, these visas fall under the annual cap, and their relatives must wait until a visa becomes available – which for an oversubscribed country such as Mexico takes years. In contrast, if permanent residents naturalize to become U.S. citizens, their spouses and minor children are eligible for immediate entry, along with the immigrant's parents. Moreover, their adult children and siblings acquire the right to enter, subject to numerical limitation.

In sum, each new citizen creates new entitlements within the U.S. immigration system and produces more legal immigrants down the road. As a result, when Congress began to strip away the rights and privileges of permanent residents and threaten them with deportation for a growing number of infractions, it unwittingly created hundreds of thou-

sands of new entitlements for permanent resident visas that pushed legal immigration well above the statutory cap of 20,000 visas per year. To be sure, the exemption offered to citizen relatives had long pushed legal immigration from Mexico above the 20,000 visa limit. During the 1970s, for example, arrivals of Mexican legal residents averaged 63,000 per year despite the cap. By the latter half of the 1990s, however, the average more than doubled to reach 136,000, and from 2000 through 2010, it stood at 170,000 per year. Whereas only 5 percent of all legal Mexican immigrants entered as relatives of U.S. citizens in 1990, that figure rose to nearly two-thirds by 2010. In its zeal to increase pressure on foreigners in the name of the war on terror, Congress inadvertently increased legal immigration from Mexico by a factor of nearly three.²²

Up to now I have focused on Mexico, by far the leading contributor of migrants to the United States. Since 1970, Mexico alone has accounted for approximately 20 percent of documented and 60 percent of undocumented immigrants to the United States – and half of all documented and three-quarters of all undocumented immigrants from Latin America. After Mexico, the second major source region in Latin America is Central America, which accounts for around 15 percent of documented and 20 percent of undocumented migrants from the region. Immigration from Central America was minimal prior to 1980, with legal entries totaling just 114,000 during the 1970s. But entries by Central Americans grew rapidly thereafter, totaling around 325,000 in the 1980s and around 600,000 in both the 1990s and 2000s.²³

The surge in Central American immigration stemmed from the U.S.-Contra intervention, which raised levels of vio-

lence and social disorder in the region and pushed thousands of people northward as refugees. Although Nicaraguans, escaping a left-wing, pro-Soviet regime, were readily accepted as refugees and ultimately admitted to permanent residence, other Central Americans – Salvadorans, Guatemalans, and Hondurans – were labeled “economic migrants,” and were not welcomed. U.S. officials relegated these migrants to temporary protected status at best, and more commonly undocumented status, adding a significant Central American component to America’s Latin American population boom.²⁴

Over the past four decades, the United States has undergone a mass immigration not seen since the early twentieth century. The new wave has yielded a progressive Latinization of the U.S. population and a rising prevalence of illegality among the foreign born. From 1970 to 2010, the foreign-born population rose from 9.6 to 40 million persons, while the Latino population grew from 9.6 million to 50.5 million, now making up 16.3 percent of the total population. Among Latinos, the foreign-born population rose from 30 percent to 40 percent, and Central Americans and Mexicans together increased their share of the population from two-thirds to three-quarters. (Caribbeans fell from 25 percent to about 15 percent.) Among Latinos present in 2010, nearly a third lacked documents, and nearly 60 percent of immigrant Latinos were unauthorized.²⁵

For the most part, these developments were unintended consequences of U.S. immigration and border policies enacted without regard for realities on the ground. By curtailing opportunities for legal entry from the Americas after 1965, the United States transformed a well-established and largely circular flow of legal migrants into an equally well-established, circular

flow of illegal migrants. The increase in illegal migration led, in turn, to the rise of the Latino threat initiative and a shift toward increasingly restrictive policies. The resultant militarization of the Mexico-U.S. border transformed the geography of border crossing and led to a proliferation of new destinations, while at the same time reducing rates of return migration and accelerating the undocumented population growth. Finally, U.S. political and military interventions in Central America during the 1980s generated outflows of émigrés that further augmented Latin American population growth in the United States. As a result, since 1970, the foreign-born population has quadrupled, the United States became substantially more Latino, national origins among Latinos have shifted decisively toward Mexico and Central America, and the share present without authorization has risen to unprecedented heights.

The evidence thus suggests that the turn toward restrictive immigration policies after 1965 was counterproductive, to say the least. Particularly in the case of Mexico, the contradictions are glaring. In 1994, the United States and Mexico entered into a free trade agreement designed to reduce barriers to cross-border movements of goods, capital, resources, information, services, and many categories of people. Not only was free movement of labor excluded from the otherwise integrated North American market being established, but that same year, the United States launched Operation Gatekeeper to block the flow of migrants through the busiest border sector – part of a two-decade-long process of border militarization. Apparently, the contradiction between the stated goal of integrating all factor markets in North America and the exclusion of Mexican labor from participating never occurred to leaders in Washington.

The simple reality is that, as a practical matter, it is virtually impossible to stop the movement of people between two countries that share a 3,000-mile border, are linked together in a free trade agreement, are among one another's largest trading partners, and are bound by a joint history of social, economic, and political inter-penetration. If one tries unilaterally to block flows of people that are the natural outgrowth of broader processes of social and economic integration, moreover, the results are dysfunctional and counterproductive, as we have seen. Rather than seeking to suppress migratory flows that merely reflect the powerful forces binding North America together, the alternative is to accept the flows and seek to manage them in ways that are beneficial to Americans, Mexicans, and the immigrants themselves.

In North America, the stars might finally be aligned for such a transition, moving away from unilateral repression toward bilateral strategies of management. With the conspicuous help of Latino voters, President Obama won a second term and need not worry again about reelection. In Mexico, meanwhile, new President Enrique Peña Nieto has taken charge and is looking for a way forward on issues with its northern neighbor. Should the two presidents seek to cooperate in managing international migration more effectively, they will benefit from a unique political moment when the pressure is off: undocumented migration from Mexico has fallen to a net of zero and has remained there since 2008. Indeed, the net immigration rate may even be negative.²⁶

One reason for this development is the quiet return of temporary worker migration. Whereas only 3,300 Mexicans entered the United States on temporary work visas in 1980, in 2010 the number reached 517,000.²⁷ Though the latter

figure is inflated by new measurement efforts at the border, in 2008, before these new efforts were implemented, the number of entries stood at 361,000, the largest number since 1959. When added to the average of 170,000 Mexicans who entered each year as permanent residents, we see that substantial opportunities for legal entry have opened up in the U.S. immigration system, with numbers fluctuating around the half-million level last observed in the late 1950s. Although labor demand in the United States faltered in the great recession of 2008, the demand that remains is currently being met by legal migration in various categories.

In Mexico, meanwhile, the conditions that have for so long driven immigrants northward have shifted. Birth rates have fallen dramatically, the rate of labor force growth is rapidly decelerating, and the Mexican population is aging as rural populations continue to dwindle. Rural dwellers, long the source of a disproportionate share of Mexican immigrants, dropped from 35 percent of the population to roughly 20 percent today. At the same time, real wages have stabilized even as they have fallen in the United States, while education levels among younger cohorts have steadily risen and the middle class has grown.²⁸ The young migrants leaving Mexico today are increasingly well-educated people of metropolitan origin who are migrating in response to the rhythms of development in an ever-more integrated North American economy.²⁹

In sum, the conditions that supported mass undocumented migration in the past appear to be disappearing, and what needs to be done now is to find ways to better manage the flows that will inevitably occur in the course of North American economic integration. We must facilitate the entry and return of the large majority of migrants who prefer circula-

tion to settlement, while opening up opportunities for legal permanent residence for the minority of migrants who acquire strong social or economic connections to the United States and wish to remain permanently.

In recent years, politicians in the United States have referred to four “pillars” of comprehensive immigration reform: gain control of the border, create a sizable guest worker program, increase the quotas for immigration from Mexico (and Canada), and enact a pathway to legalization for undocumented U.S. residents. Of these, three have already been achieved in *de facto* terms: illegal migration has been at a net of zero since 2008; temporary worker entries are at levels not seen since the late 1950s; and through defensive naturalization, Mexicans themselves have in practical terms increased the size of their quotas for legal immigration.

Although the current system of temporary worker migration could certainly benefit from improvements to protect workers from exploitation, the most serious task remaining for immigration reformers is the legalization of the 11 million persons who are currently unauthorized, especially the 3 million or more persons who entered as minors and grew up in the United States. The lack of legal status constitutes an insurmountable barrier to social and economic mobility, not only for the undocumented immigrants themselves, but for their citizen family members. Not since the days of slavery have so many residents of the United States lacked the most basic social, economic, and human rights.

The transition to a minority-majority U.S. population is now well under way, and is inevitable in demographic terms. Although the U.S. population is currently 16 percent Latino, 14 percent black, 5 percent Asian, and 3 percent mixed race, among births, 25 percent are to Latino

mothers, 15 percent are to African Americans, and 7 percent are to Asians, making up almost half the total. Our failure to arrange for the legalization of the 11 million persons currently out of status will not change the demographic transition under way in the United States; it will only render it more contentious, problematic, and costly to society. In 2013, the United States, Mexico, and Canada have a unique opportunity to break with the failed policies of the past and enter a new era of cooperation to manage, rather than suppress, the ongoing flow of migrants who will inevitably move within the free trade zone that has been created among the three countries.³⁰

Douglas S. Massey

- 1 Aristide R. Zolberg, *A Nation by Design: Immigration Policy in the Fashioning of America* (New York: Russell Sage Foundation, 2006); and Douglas S. Massey, Jorge Durand, and Nolan J. Malone, *Beyond Smoke and Mirrors: Mexican Immigration in an Age of Economic Integration* (New York: Russell Sage Foundation, 2002).
- 2 Doris Meissner, Donald M. Kerwin, Muzaffar Chishti, and Claire Bergoni, *Immigration Enforcement in the United States: The Rise of a Formidable Machinery* (Washington, D.C.: Migration Policy Institute, 2013).
- 3 Yesenia D. Acosta, G. Patricia de la Cruz, Christine Gambino, Thomas Gryn, Luke J. Larsen, Edward N. Trevelyan, and Nathan P. Walters, *The Foreign-Born Population in the United States: 2010* (Washington, D.C.: U.S. Census Bureau, 2012); and Sharon R. Ennis, Merarys Ríos-Vargas, and Nora G. Albert, *The Hispanic Population: 2010* (Washington, D.C.: U.S. Census Bureau, 2011).
- 4 Gabriel J. Chin, "The Civil Rights Revolution Comes to Immigration Law: A New Look at the Immigration and Nationality Act of 1965," *North Carolina Law Review* 75 (1996–1997): 279–345.
- 5 Zolberg, *A Nation by Design*; and Guillermina Jasso and Mark R. Rosenzweig, *The New Chosen People: Immigrants in the United States* (New York: Russell Sage Foundation, 1990), 2–97.
- 6 Massey, Durand, and Malone, *Beyond Smoke and Mirrors*.
- 7 Douglas S. Massey, Rafael Alarcón, Jorge Durand, and Humberto González, *Return to Aztlan: The Social Process of International Migration from Western Mexico* (Berkeley: University of California Press, 1987).
- 8 Douglas S. Massey and Karen A. Pren, "Origins of the New Latino Underclass," *Race and Social Problems* 4 (2012): 5–17.
- 9 Leo R. Chavez, *Covering Immigration: Population Images and the Politics of the Nation* (Berkeley: University of California Press, 2001); Otto Santa Ana, *Brown Tide Rising: Metaphors of Latinos in Contemporary American Public Discourse* (Austin: University of Texas Press, 2002); and Leo R. Chavez, *The Latino Threat: Constructing Immigrants, Citizens, and the Nation* (Stanford, Calif.: Stanford University Press, 2008).
- 10 Massey and Pren, "Origins of the New Latino Underclass."
- 11 Douglas S. Massey and Karen A. Pren, "Unintended Consequences of U.S. Immigration Policy: Explaining the Post-1965 Surge from Latin America," *Population and Development Review* 38 (2012): 1–29.
- 12 Leonard F. Chapman, "Illegal Aliens: Time to Call a Halt!" *Reader's Digest*, October 1976, 188–192.
- 13 Massey and Pren, "Unintended Consequences of U.S. Immigration Policy."
- 14 Massey, Durand, and Malone, *Beyond Smoke and Mirrors*; and Douglas S. Massey, *New Faces in New Places: The New Geography of American Immigration* (New York: Russell Sage Foundation, 2008).
- 15 Massey, Durand, and Malone, *Beyond Smoke and Mirrors*; Massey and Pren, "Unintended Consequences of U.S. Immigration Policy."
- 16 Ruth E. Wasem, *Unauthorized Aliens Residing in the United States: Estimates Since 1986* (Washington, D.C.: Congressional Research Service, 2011).
- 17 Quoted in Al Kamen, "Central America is No Longer the Central Issue for Americans," *Austin American Statesman*, October 21, 1990. See also, Timothy J. Dunn, *The Militarization of the U.S.-Mexico Border, 1978–1992: Low-Intensity Conflict Doctrine Comes Home* (Austin: Center for Mexican American Studies, University of Texas at Austin, 1996).
- 18 Zolberg, *A Nation by Design*.

- ¹⁹ Douglas S. Massey and Magaly Sánchez R., *Brokered Boundaries: Creating Immigrant Identity in Anti-Immigrant Times* (New York: Russell Sage Foundation, 2010). Douglas S. Massey
- ²⁰ Massey and Pren, “Unintended Consequences of U.S. Immigration Policy.”
- ²¹ U.S. Office of Immigration Statistics, *2010 Yearbook of Immigration Statistics* (Washington, D.C.: U.S. Department of Homeland Security, 2011).
- ²² Massey and Pren, “Unintended Consequences of U.S. Immigration Policy.”
- ²³ U.S. Office of Immigration Statistics, *2010 Yearbook of Immigration Statistics*.
- ²⁴ Jennifer H. Lundquist and Douglas S. Massey, “Politics or Economics? International Migration During the Nicaraguan Contra War,” *Journal of Latin American Studies* 37 (2005): 29–53.
- ²⁵ Michael Hoefer, Nancy Rytina, and Bryan C. Baker, *Estimates of the Unauthorized Immigrant Population Residing in the United States: January 2010* (Washington, D.C.: Office of Immigration Statistics, U.S. Department of Homeland Security, 2010).
- ²⁶ Jeffrey Passel, D’Vera Cohn, and Ana Gonzalez-Barrera, *Net Migration from Mexico Falls to Zero – and Perhaps Less* (Washington, D.C.: Pew Research Hispanic Center, 2012).
- ²⁷ U.S. Office of Immigration Statistics, *2010 Yearbook of Immigration Statistics*.
- ²⁸ Instituto Nacional de Estadística y Geografía, Gobierno de México, <http://www.inegi.org.mx/>.
- ²⁹ Filiz Garip, “Discovering Diverse Mechanisms of Migration: The Mexico-U.S. Stream from 1970 to 2000,” *Population and Development Review* 38 (2012): 393–433.
- ³⁰ Douglas S. Massey, “Caution: NAFTA at Work,” *Miller-McCune Magazine* 1 (1) (2008): 2–9; and Patricia Fernández Kelly and Douglas S. Massey, “Borders for Whom? The Role of NAFTA in Mexico-U.S. Migration,” *Annals of the American Academy of Political and Social Science* 610 (2007): 98–119.

Immigration Past & Present

Nancy Foner

Abstract: Immigration has remade and changed American society since the nation's founding, and an understanding of the past can help illuminate the immigrant experience in the present. This essay focuses on three central questions: What is new about the most recent immigrant wave? What represents continuity or parallels with the past? And how have migrant inflows in earlier historical periods changed the social, economic, political, and cultural contexts that now greet – and shape the experiences of – the latest arrivals? In examining these questions, the focus is on the last great wave of immigration at the turn of the twentieth century, in which the newcomers were mainly from Eastern, Southern, and Central Europe, and the contemporary inflow, from the late 1960s to the present, which is made up overwhelmingly of people from Latin America, Asia, and the Caribbean.

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To know the past, it is often said, is to better understand the present. Nowhere is this more true than when it comes to immigration. Since the founding of the United States, immigration has been a fundamental feature of the nation's population, institutions, and identity. Today, as in earlier eras, immigration is transforming the country in profound ways and also changing the lives of the newcomers who have moved here. What is new about the most recent immigrant wave? What represents continuity or parallels with the past? And how have migrant inflows in earlier historical periods changed the social, economic, political, and cultural contexts that now greet – and shape the experiences of – the latest arrivals?

In examining these questions, I focus on the two massive immigrations in the period that stretches from the end of the nineteenth century to the beginning of the twenty-first. The last great wave at the turn of the twentieth century, from about 1880 to the early 1920s, brought more than 23 million immigrants to America's shores, mainly from Eastern, Southern, and Central Europe; the contemporary inflow, from the late 1960s to the present, is made up overwhelmingly of people from Latin America,

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Asia, and the Caribbean. By 1910, the nation's population was almost 15 percent foreign born, a height unreachd since then, though it is coming close (13 percent in 2010). The numbers are much larger now, of course, rising from 13.5 million foreign born in 1910 to an all-time high of 40 million in 2010.

In some ways, history is repeating itself. This is not surprising given the many similar characteristics between immigrants now and those from a century ago; the comparable racial and ethnic barriers facing newcomers in both eras; and the very nature of immigration and the assimilation process. Because many contemporary immigrants arrive in the United States with low skill levels, do not know English, and are new to the country, they, like their predecessors in the last great wave, often enter the economy on the bottom, taking low-paid jobs with long hours and unpleasant working conditions that native-born Americans generally do not want. Even some of the jobs are the same. Russian Jewish immigrants in the past worked in garment sweatshops, just as many Chinese and Latino immigrants do today; Italians in the past dug tunnels and built bridges and roads, while today many Mexicans work in construction.

The underlying processes of niche development still operate to create ethnic job concentrations. As before, immigrants tend to flock to fields where coethnics have established a solid foothold. Lacking information about the broader labor market and dependent on the support of their own kind, new arrivals typically learn about and get help finding jobs through personal networks in the immigrant community. For their part, employers often prefer applicants recommended by existing employees.¹ Ethnic businesses are another perennial feature of the American immigrant scene, if only because they emerge to serve

the special tastes and needs of the ethnic market. In what also seems like a timeless feature, many newcomers today, as in the past, cluster in ethnic neighborhoods with their compatriots, partly owing to economic constraints and prejudice from established Americans, but also because they seek comfort and security among kinfolk and friends in an environment of familiar languages and institutions.

It is often said that a major distinction between today's immigrants and those of a hundred years ago is that then they were, in the main, white Europeans and today they are, in significant numbers, people of color. However, prejudice against immigrants on the basis of race and ethnicity has a long history. Jewish and Italian immigrants a century ago were not viewed as white in the same way that people with origins in Northern and Western Europe were: they were seen as belonging to inferior "mongrel" races that would alter the essential character of the United States and pollute the nation's Anglo-Saxon or Nordic stock. Jewish and Italian immigrants were thought to have distinct biological features, mental abilities, and innate character traits, and many Americans believed that they were physically identifiable: facial features often noted in the case of Jews, "swarthy" skin in the case of Italians. Echoing racial views not uncommon in political discourse and the media, soon-to-be President Calvin Coolidge wrote in a popular magazine in 1921 that "Americans must be kept American. Biological laws show . . . that Nordics deteriorate when mixed with other races."² The racial attack on Southern and Eastern European immigrants was a powerful ideological weapon of the movement to reduce immigration, helping mobilize public sentiment in favor of restrictive federal legislation, which was enacted in the early 1920s.³

Not only was it acceptable to speak about the inferiority of Jews and Italians

in newspapers, magazines, and public forums, but discrimination against them was also open and, by and large, legal well into the twentieth century. Elite summer resorts and private clubs made no bones about shutting out Jews; deed restrictions, that is, clauses in real estate titles limiting the transfer of property to members of certain groups, kept them out of desirable neighborhoods; and informal quotas at Ivy League colleges set limits on the admission of Jews, who were a particular target given their early educational achievements.

Transnationalism, or maintaining ties to the home country, is also not new. Many immigrants in the last great wave maintained extensive transnational ties, sending money and letters to relatives left behind and putting away money to buy land and houses in the home country. Russian Jews, fleeing political repression and virulent anti-Semitism, were unusual for their time in the degree to which they were permanent settlers in the United States; but many Italians were “birds of passage,” going back to their home villages seasonally or every few years. In general, immigrants in a variety of groups at that time, like immigrants today, often followed news about, and sometimes remained actively involved in, home-country politics.

A common fear is that today’s immigrants and their children are not learning English, and that this is different from the past. But when it comes to language, the similarities with the past stand out. Research indicates that the standard three-generation model of linguistic assimilation still holds: the immigrant generation (arriving as adults) makes some progress but is usually more comfortable and fluent in the mother tongue; the majority of the second generation is proficient in English but also speaks an immigrant language; and the third generation is to a large extent monolingual in English. According

to a recent study, 88 percent of adult second-generation Latinos reported speaking English very well (versus about a quarter of first-generation Latino immigrants). In 2000, among school-age children in newcomer families, about seven in ten of the Mexican third generation spoke only English at home; for Asians, it was 92 percent.⁴

If there are parallels with the past, that does not mean we are witnessing a timeless immigrant saga. In many ways, the experiences of today’s immigrants differ profoundly from those at the turn of the twentieth century given the broad range of new contextual features in the United States, from government laws and policies to widely accepted norms and values. In addition, immigrant flows have changed, with newcomers arriving from different places. A hundred years ago, the overwhelming majority of immigrants were from Europe: a remarkable 87 percent in 1910. Italians were the largest immigrant group arriving in the first two decades of the twentieth century, followed by Eastern European Jews. In 2010, only 12 percent of the immigrants in the United States were from Europe. More than four out of five were from Asia, Latin America, and the Caribbean. Mexicans are by far the largest group, making up about 30 percent of the nation’s immigrant population.

Another new development is the large number of undocumented now living in the United States. A hundred years ago, there were so few restrictions on European immigration that hardly any European immigrants were “illegal.” To be sure, specific exclusion laws barred the entry of Asians – in the case of the Chinese, as early as 1882. But until the 1920s, there were no numerical limits on European immigration – no immigrant visas or special papers that had to be secured from the United States. European immigrants arrived by boat, and most got through the

ports of entry easily because they already had been screened, mainly for disease, by steamship companies before embarking. Of the more than 12 million immigrants who landed at Ellis Island, only 2 percent were excluded from entry.

Today, if you do not have proper documentation from American authorities, you cannot legally live and work in the United States. There are numerical limits on the number of immigrant visas, and in many countries where the demand to come to the United States is especially strong, there is a long wait to get a visa, even if you have a family member to sponsor you. (The majority of lawful permanent immigrants – two-thirds in 2010 – enter under family reunification provisions of U.S. immigration law.) As a result, many have arrived or remained without proper documents. In 2011, there were an estimated 11.5 million unauthorized immigrants in the United States, or more than a quarter of the total foreign-born population; nearly 60 percent were from Mexico, and another 14 percent from Guatemala, El Salvador, and Honduras.

Undocumented immigrants have faced a host of difficulties. They are especially vulnerable in the labor market, commonly working in low-paid jobs with unpleasant, sometimes dangerous, conditions. Having legal status is not a recipe for success, but without it, an immigrant has trouble getting a good job and making a living wage in the formal economy. The undocumented have been ineligible for most government social and welfare benefits. (Emergency Medicaid is one exception.) In recent years, they have been subject to great hostility and, in many places, punitive actions and legislation by local and state governments. The record number of deportations in the United States in recent years – about 400,000 in fiscal year 2011 – has heightened fears among undocumented immigrants. Although children of the un-

documented born in this country are U.S. citizens, with all the rights that this entails, their parents often do not participate in public programs for which their U.S.-citizen children are eligible because of fear of authorities.⁵

A more positive difference from the past is that today's immigrants are more diverse in socioeconomic background than European immigrants at the turn of the twentieth century. Yesterday's newcomers did include a sizable number who had worked in skilled trades in the old country, but the bulk were low-skilled workers; professionals and the highly educated were scarce. Today, many are still poorly educated and low skilled; in 2010, 32 percent of immigrants twenty-five years and older lacked a high school diploma. However, 27 percent had a bachelor's degree or higher. Never in the history of U.S. immigration has such a large proportion of new arrivals been so highly skilled and educated.⁶

Given their educational background, many immigrants today arrive ready and able to find decent, sometimes high-level jobs in the mainstream economy. This is another change from the past. So is the fact that a significant minority are proficient in English on arrival. This is obviously the case for the more than one million English-speaking Caribbean immigrants, but also for others – most notably, many from India and the Philippines, the third and fourth largest immigrant-source countries to the United States. Even those who did not know English before they emigrated seem to learn it faster than in the past. A much higher proportion of late-twentieth-century immigrants from the Spanish-speaking nations of Mexico, the Caribbean, and Central and South America spoke English in their first five years in the United States than was the case with early-twentieth-century European immigrants.⁷

Transnationalism is not a new phenomenon, but much is new about it today.

Given modern technology and communications, immigrants can now operate more or less simultaneously in the United States and their country of origin – and maintain more frequent, immediate, and closer contact with home societies than before. At the beginning of the twentieth century, more than a month elapsed between sending a letter home and receiving a reply. It took about two weeks to get back to Italy. Today, immigrants can hop on a plane to visit their home communities or pick up the phone, or in some cases use the Internet, to hear news from relatives and be involved with those left behind. With a flick of the radio or television dial, immigrants usually can hear about news from the homeland.

The ubiquity of cell phones and low-cost phone calls – as well as the growing use of email, text messages, and Skype – has enabled migrants to stay in close contact and maintain a level of intimacy with relatives in the country of origin in ways that were not possible twenty years ago, never mind at the beginning of the twentieth century. Modern technology even can bring the tastes of home to the United States. Through courier services – *paqueterias* – in Queens, New York, Mexican immigrants can get freshly baked bread or mole sauce that has been flown in, made by relatives in the homeland only forty-eight hours earlier.⁸ With the growing number of sending countries allowing some form of dual nationality or citizenship, many immigrants no longer have to give up home-country citizenship after naturalizing in the United States; and depending on the rules in each case, some have the right to vote in home-country elections from abroad.

Nativism, hostility toward immigrants on the basis of their foreignness, is alive and well, although today it is heavily focused on the undocumented and, especially, Mexicans. Racial prejudice and discrimi-

nation also continue to create barriers for black, Latino, and Asian immigrants. Yet there have been some positive developments in the last one hundred years. Gone are the days when mainstream institutions, most notably public schools, sponsored hard-edged Americanization programs and activities that told immigrants to shed completely their old customs and ethnic identities. “There is no such thing as a hyphenated American who is a good American,” Theodore Roosevelt proclaimed in a 1915 speech. “The only man who is a good American is the man who is American and nothing else.”⁹ The notion that Old World traditions would diminish immigrants’ devotion to America, according to historian Gary Gerstle, “maintained its potency through the 1930s.”¹⁰

Today, there is an official commitment to cultural pluralism and cultural diversity in the United States, and Americans are comfortable with hyphenated identities, which are embraced (at least some of the time) by long-established Americans as well as many immigrants and especially their second-generation children. Whereas the children of European immigrants of the last great wave were often embarrassed by their parents’ old country ways, today’s second generation is more at ease with having both American and ethnic identities. A study of the young adult children of immigrants in the New York area found that they rarely felt ashamed of their parents’ language and were proud of their culture of origin, or features of it. Generally, they had positive feelings about their ethnic roots and admired their parents’ struggles to make a better life for their families in this country. Nearly all said that they would try to teach their own children about their parents’ culture and help them learn the language.¹¹

Today’s immigrants and their children, moreover, are making their way at a time when many legal protections are in place

that did not exist a hundred years ago. New York State, to mention one example, did not pass an anti-discrimination statute until 1945, and a few years later the U.S. Supreme Court banned restrictive covenants that had allowed property owners to exclude racial and ethnic minorities from purchasing homes in desirable neighborhoods. Perhaps even more important, many children of non-white immigrants are positioned to take advantage of and profit from civil rights-era institutions and laws of the 1960s, including policies promoting diversity in educational institutions and places of employment – policies that, ironically, were designed to redress injustices suffered by native minority groups.¹² While most members of the second generation, as in the past, are making relatively modest moves up the socioeconomic ladder when compared to their parents, a greater proportion are now catapulting into high-level positions. Contemporary immigrants' class composition is far more heavily weighted toward the middle class than was true a hundred years ago. Also, American society "is more receptive to immigrants' incorporation – in large measure, due to the efforts by earlier groups of outsiders, including native-born blacks, to widen access to opportunity."¹³

A final contrast should be mentioned. Contemporary immigrant communities are being constantly replenished with new arrivals in a way that did not happen in the last great wave from Europe. After the mid-1920s, there was a halt in mass immigration from Southern and Eastern Europe owing to legislative restrictions followed by the Great Depression and World War II, and mass inflows did not begin again until after the passage of the 1965 Hart-Celler immigration reforms.¹⁴ Despite the recent economic downturn in the United States and reduced levels of undocumented immigration from Mexico in the past few

years, legal immigration has continued at high rates for nearly five decades, and a halt like the one seen in the past is unlikely – at least in the near future. In 2010, more than a third of all immigrants in the United States had entered the country since 2000. Between 2005 and 2010 alone, more than a million legal permanent residents were admitted each year. Ongoing immigration contributes to strengthening vibrant ethnic communities and cultures and the salience of ethnic identity. Whereas the earlier second generation of European origin growing up in the 1930s, 1940s, and 1950s did so in a context in which there were hardly any newly arrived immigrants in their neighborhoods, many children of today's immigrants live in places where newcomers of all ages – who have strong ties to the home country, its customs, and its languages – are arriving every day.

The relationship between past and present concerns not only what is new about immigration but also the way changes introduced by newcomers in previous eras influence contemporary immigrants. To put it somewhat differently: how do migrant inflows in one period, in a dialectical process, change the context of reception that subsequently shapes the experiences and incorporation of the next wave? One legacy of the last great wave is the impact on popular culture, from television programs that feature the descendants of Italian and Jewish immigrants (think *Seinfeld*, *Everybody Loves Raymond*, and *The Sopranos*) to food (pizza and bagels, to name two items introduced a century ago that have become American mainstays). In addition, some institutions and cultural patterns that were developed or transformed by earlier European immigrants and their children continue to serve or provide a model for current newcomers. This is especially the case in long-established gateways like New York, Boston,

and Chicago, which have been major immigrant destinations for well over a century.

Today's immigrants profit from the legitimacy (and practice) of ethnic politics dating back to the nineteenth century, when the Irish were able to infiltrate and take over the helm of big-city Democratic Party politics by mobilizing the ethnic vote.¹⁵ Later-arriving Southern and Eastern Europeans followed suit, using ethnicity to mobilize their base, attain political representation, and contend to be part of governing coalitions. Political machines are no longer what they used to be, and much has changed about the structure of urban politics; yet ethnic politics is central to newer immigrants' political incorporation. That long-established European-origin groups used "ethnic arithmetic" to pursue their goals and entry into the political system in urban America gives legitimacy to similar efforts by politicians of recent immigrant origin as they seek to rally voters, build support, and gain influence in cities today. Successful attempts by African Americans to win office and mobilize support in the wake of the civil rights movement and civil rights legislation have also provided a model for immigrant-origin politicians.

Contemporary immigrants also benefit from an acceptance of religious pluralism resulting from the integration of Catholicism and Judaism into mainstream America.¹⁶ At the turn of the twentieth century, Protestant denominations prevailed in the public square, crowding out Catholicism and Judaism, both associated with disparaged Southern and Eastern Europeans and seen by nativist observers as incompatible with American institutions and culture. Earlier in the nineteenth century, Irish Catholic immigrants, who when they arrived in the 1830s and 1840s constituted the first mass immigration of Catholics to America, were the target of

deep-seated and virulent anti-Catholic nativism.

For most of American history, as Gary Gerstle has written, Catholicism was depicted as the enemy of republicanism, standing for monarchy, aristocracy, and other reactionary forces that America hoped to escape.¹⁷ By the mid-twentieth century, however, Catholics and Jews had been incorporated into the system of American pluralism. The transformation of America into a "Judeo-Christian" nation – and Protestantism, Catholicism, and Judaism into the three main denominations in American religious life – has meant that post-1965 immigrants enter a more religiously open society than their predecessors did a hundred or a hundred and fifty years ago. Of course, the contemporary United States is hardly a paradise of religious tolerance. Anti-Muslim prejudice, for one, is all too prevalent. Nevertheless, Islam and other non-Western religions have a presence that is widely accepted as legitimate within a pluralistic society.

Many present-day immigrants attend churches founded by European immigrants of earlier eras and send their children to Catholic parochial schools that have their origins in the mid-nineteenth century, when Catholics established their own school system to protect their children from the overtly Protestant teaching in the state-supported or public school system. Since the 1960s, enrollment at Catholic schools has been in steep decline. Catholic schools, it has been argued, also underserve Mexican American youth in the Southwest and California – never regions for heavy investment in the Catholic educational system, which was most developed in the Northeast and Midwest, regions where Catholic immigrants from Europe primarily settled in the past.¹⁸ Still, in the 2011–2012 academic year, about 2 million children nationwide attended some 6,800 Catholic elementary and second-

ary schools; more than a quarter of these students were racial and ethnic minorities – no doubt many immigrants or children of immigrants.

Only a small minority of immigrant workers are members of labor unions – about 10 percent nationwide in 2010 – but those who are may belong to one established by European immigrants in the early twentieth century or that incorporated earlier unions, among them the International Ladies Garment Workers' Union and Amalgamated Clothing Workers of America, both of which, after several mergers in recent decades, became part of a broader union (Workers United). A growing number of unionized health care workers in the United States belong to a union affiliated with the national Service Employees International Union; the health care workers union has its origins in a small New York City pharmacists' local, founded by a Russian-born Jewish immigrant, that began to organize hospital workers in the late 1950s. New York City, the nation's quintessential immigrant city then and now, is home to a range of organizations and institutions – not only unions, churches, and synagogues but also settlement houses and social welfare associations – established by Eastern and Southern European immigrants in the Ellis Island era. These institutions provide services and opportunities for many new arrivals and, in some cases, give legitimacy to contemporary immigrants' organizational efforts and serve as models to emulate.¹⁹ In general, long-established immigrant gateways offer newer arrivals the benefit of institutions that were set up to aid immigrants in earlier waves; similar institutions are absent in places that until recently have had no need for such arrangements.²⁰

A final example concerns a different heritage from the past. Immigrants and their children today reap the benefits of the

struggles of earlier first- and second-generation Europeans who worked to combat discriminatory barriers that blocked progress and integration into the American mainstream. The story of how these barriers fell is complicated, involving many factors, yet one element was the organized campaigns in the immediate post-World War II years, particularly by many Jewish organizations, for the passage of anti-discriminatory legislation and the elimination of quotas directed at Jews. In this sense, these earlier struggles against discrimination helped “change the rules of the game.” Even more significant was the civil rights movement and civil rights legislation, which have made it harder for dominant groups to engage in some of the exclusionary strategies that were adopted earlier in the twentieth century, and which have given more scope and leverage to contemporary outsider immigrant groups to mobilize and make their way in mainstream institutions.²¹

It has become a commonplace to say that immigration, over time, has remade and changed American society; but this is the beginning of an inquiry, not the end of it. An important element in understanding these processes of change is appreciating how immigrants in each era transform the social, economic, political, and cultural contexts that then provide the setting for newcomers in the next wave – who, in turn, leave their own mark. If the massive inflow of a hundred years ago has helped shape the context of reception for contemporary newcomers, the immigration of the last five decades is sure to do the same for future immigrant cohorts. Already, those currently arriving come to a country that has been transformed by the heavy recent influx. Hispanics have surpassed blacks as the largest minority group in the United States, and to mention another example, programs have been established

in many gateway cities, from English language learning in schools to translating services in hospitals, that were unavailable or less available to immigrants who entered just thirty or forty years ago. If, as is likely, high levels of immigration continue in the near future, newcomers arriving then will make their own imprint.

An examination of past and present through a comparative approach provides additional insights, allowing us to test what are often too easy and unproven assumptions about immigrants in earlier eras – assumptions that affect how we view and understand the present. We can also better appreciate what is really new about immigration today. As the historian David Kennedy reminds us, “The only way we can know with certainty as we move along time’s path that we have come to a genuinely new place is to know something of where we have been.”²² While much is – and will continue to be – unique to the

present, comparisons with the past make clear that what seems novel is not always new, from racial prejudice against newcomers to immigrants’ involvement with their homelands.

Past/present comparisons are more than an academic endeavor. They dispel commonly held popular myths about immigrant giants of an earlier golden age of immigration, against whom present-day arrivals seem like a pale imitation. And they remind present-day immigrants of what they have in common with their predecessors. This historical awareness can give them a greater sense of being part of America as a “nation of immigrants,” and perhaps also can inspire hope for the future. As a leader of an immigrant federation in New York City put it a few years ago: “We look at the Italian community, the Jewish community. They started out like us or even worse off. . . . Eventually the day will come for us.”²³

ENDNOTES

- ¹ Roger Waldinger and Michael I. Lichter, *How the Other Half Works: Immigration and the Social Organization of Labor* (Berkeley: University of California Press, 2003).
- ² Quoted in Nancy Foner, *In a New Land: A Comparative View of Immigration* (New York: New York University Press, 2005), 15.
- ³ John Higham, *Send These to Me: Immigrants in Urban America* (Baltimore: Johns Hopkins University Press, 1984), 45.
- ⁴ David Lopez and Vanesa Estrada, “Language,” in *The New Americans: A Guide to Immigration since 1965*, ed. Mary C. Waters and Reed Ueda (Cambridge, Mass.: Harvard University Press, 2007), 230; Shirin Hakimzadeh and D’Vera Cohn, “English Usage among Hispanics in the United States” (Washington, D.C.: Pew Research Hispanic Center, 2007); Richard Alba, “Bilingualism Persists, But English Still Dominates,” *Migration Information Source*, February 2005.
- ⁵ Hirokazu Yoshikawa, *Immigrants Raising Citizens: Undocumented Parents and Their Young Children* (New York: Russell Sage Foundation, 2011).
- ⁶ Elizabeth Grieco et al., “The Foreign-Born Population in the United States: 2010,” *American Community Survey Reports* (Washington, D.C.: U.S. Census Bureau, May 2012).
- ⁷ Claude Fischer and Michael Hout, *Century of Difference: How America Changed in the Last One Hundred Years* (New York: Russell Sage Foundation, 2006), 42 – 43.
- ⁸ Andrea Elliott, “For Mom’s Cooking, 2,200 Miles Isn’t Too Far,” *The New York Times*, August 11, 2003.
- ⁹ Quoted in “Roosevelt Bars the Hyphenated,” *The New York Times*, October 13, 1915.

- ¹⁰ Gary Gerstle, *American Crucible: Race and Nation in the Twentieth Century* (Princeton, N.J.: Princeton University Press, 2001), 195–196. Nancy Foner
- ¹¹ Philip Kasinitz, John Mollenkopf, Mary C. Waters, and Jennifer Holdaway, *Inheriting the City: The Children of Immigrants Come of Age* (Cambridge, Mass.: Harvard University Press, 2008).
- ¹² Ibid.; Nancy Foner and Richard Alba, “Immigration and Legacies of the Past: The Impact of Slavery and the Holocaust on Contemporary Immigrants in the United States and Western Europe,” *Comparative Studies in Society and History* 52 (2010): 798–819.
- ¹³ Joel Perlmann and Roger Waldinger, “Second Generation Decline? Children of Immigrants, Past and Present – A Reconsideration,” *International Migration Review* 31 (1997): 917.
- ¹⁴ As Tomás Jiménez reminds us, the Mexican-origin population in the Southwest was continually replenished throughout the twentieth century, with consequences for incorporation and ethnic identity formation. See Tomás R. Jiménez, *Replenished Ethnicity: Mexican Americans, Immigration, and Identity* (Berkeley: University of California Press, 2010).
- ¹⁵ Steven P. Erie, *Rainbow’s End: Irish-Americans and the Dilemmas of Urban Machine Politics, 1840–1985* (Berkeley: University of California Press, 1988).
- ¹⁶ Nancy Foner and Richard Alba, “Immigrant Religion in the U.S. and Western Europe: Bridge or Barrier to Inclusion?” *International Migration Review* 42 (2008): 360–392.
- ¹⁷ Gary Gerstle, “Inclusion, Exclusion, and American Nationalism,” paper presented at Fear and Anxiety over National Identity, a conference held at the Russell Sage Foundation, December 9–10, 2011.
- ¹⁸ David Lopez, “Whither the Flock? The Catholic Church and the Success of Mexicans in America,” in *Immigration and Religion in America: Comparative and Historical Perspectives*, ed. Richard Alba, Albert Raboteau, and Josh DeWind (New York: New York University Press, 2009).
- ¹⁹ Nancy Foner, “Immigration History and the Remaking of New York,” in *New York and Amsterdam: Immigration and the New Urban Landscape*, ed. Nancy Foner et al. (New York: New York University Press, forthcoming).
- ²⁰ Mary C. Waters and Tomás Jiménez, “Assessing Immigrant Assimilation: New Empirical and Theoretical Challenges,” *Annual Review of Sociology* 31 (2005): 118.
- ²¹ Perlmann and Waldinger, “Second Generation Decline?” 909.
- ²² David Kennedy, “Can We Still Afford to be a Nation of Immigrants?” *Atlantic Monthly*, November 1996, 68.
- ²³ James Estrin, “Arab Muslims in Brooklyn Find Voting Power,” *The New York Times*, October 18, 2008.

The Contributions of Immigrants to American Culture

Charles Hirschman

Abstract: The standard account of American immigration focuses on the acculturation and assimilation of immigrants and their children to American society. This analysis typically ignores the significant contributions of immigrants to the creation of American culture through the performing arts, sciences, and other cultural pursuits. Immigrants and their children are not born with more creative talents than native-born citizens, but their selectivity and marginality may have pushed and pulled those with ability into high-risk career paths that reward creative work. The presence of large numbers of talented immigrants in Hollywood, academia, and the high-tech industries has pushed American institutions to be more meritocratic and open to innovation than they would be otherwise.

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The lives of most immigrants are a dialectic between the memories of the world left behind and the day-to-day struggles of learning the ropes of a new society. Mastering a new language, living and working among strangers, and coping with the unfamiliar are only some of the challenges faced by immigrants. It is no wonder that nostalgia has a strong grip on the cultural pursuits of immigrants. Immigrant communities generally find comfort in familiar religious traditions and rituals, seek out newspapers and literature from the homeland, and celebrate holidays and special occasions with traditional music, dance, cuisine, and leisure-time pursuits.

Yet not all immigrants look solely to the past to find meaning or to express their longings. Some immigrants, and their children in particular, are inspired by the possibility for innovative expression in American arts, culture, and pastimes. The partially fictionalized biography of the popular entertainer Al Jolson captures this experience. Jolson's story was expressed, somewhat embellished, in the 1946 Oscar-winning film *The Jolson Story*, and was foretold in the 1927 film *The Jazz Singer*, in which Jolson plays the lead role.¹

Asa Yoelson, born in 1886 in Russia, immigrated to the United States as a child. He had a beautiful singing voice and was groomed to succeed his father as the cantor in a prominent synagogue. However, Asa was torn between family expectations and his desire to become a popular singer. After some hesitation, he left home to try his fortune as a singer in vaudeville and other venues. Within a few years, Asa Yoelson – who adopted the stage name Al Jolson – achieved fame as a popular singer and stage performer. During the 1920s and 1930s, he was the most highly paid entertainer in the country. The transition from Asa Yoelson, the dutiful son, to Al Jolson, famous entertainer, can be interpreted several ways. The Hollywood story of Jolson’s life illustrates the popular belief that America is a land of opportunity for talented and hardworking immigrants: “Where else on earth could this sort of thing happen?” Another interpretation is the clash between immigrant generations – between the immigrant parents’ belief in the obligation to maintain tradition and their Americanized children’s desire for broader fulfillment. Although initially disowned by his father for leaving home and breaking with tradition, Asa/Al eventually reconciled with his family.

There is an even more important, and surprising, element to the Al Jolson story. How did an outsider, ethnically and culturally, become the cultural icon whose style set the standard for twentieth-century popular musical performance? Jolson climbed to the top of the ladder of the American entertainment industry by redefining the role and image of a public performer.² He brought the expressionism and style of jazz to popular audiences, his singing connected with stage and film audiences through his dramatic emotional and physical performance, and he had stage runways built so that he

could perform closer to the audience. The Jolson style did not represent assimilation, but rather the creation of a distinctive “American” genre of musical performance. Many iconic American popular singers of the twentieth century, including Bing Crosby, Tony Bennett, Judy Garland, Eddie Fisher, and Neil Diamond, report that Jolson’s style was a formative influence on their careers.³

Al Jolson was not an exception. Immigrants, and especially the children and grandchildren of immigrants, have played a disproportionate role in the development of the American performing arts. They have also made fundamental contributions in many other realms of artistic, cultural, culinary, athletic, and scientific endeavor. Immigrants and their children are not born with more ability than anyone else. However, an immigrant (outsider) heritage may offer certain creative advantages to the miniscule fraction of persons possessing extraordinary talents. These advantages include: a resilience and determination to succeed, a curiosity and openness to innovation born of marginality, and an attraction to high-risk pursuits (because conventional careers are less open to them). The relative openness of American performing and cultural arts to outsiders might be explained by a variety of factors. The arrival of a very large pool of talented immigrants – some fleeing persecution, others seeking new cultural horizons – was a necessary condition. Of equal importance was the rapid growth of competitive entertainment, cultural, and scientific industries that fostered an emphasis on talent more so than pedigree.

In his book on the history of classical music in the United States, Joseph Horowitz describes the ecstatic reception of the 1893 New York premiere of Antonin Dvorak’s *From the New World*

Symphony (popularly known as the *New World Symphony*).⁴ Dvorak was already a well-known Czech composer in 1892 when he was invited to spend a few years in the United States to direct the National Conservatory of Music and to compose “American” music. In the late nineteenth century, as perhaps even today, American classical music was rigidly Eurocentric. Musical achievement, whether in composition or performance, was recognized only through imitation of the celebrated icons – mostly Europeans. During his short three-year tenure in the United States, Dvorak searched for authentic American voices and sounds. He found them in African American melodies and American Indian chants. In the *New World Symphony* and in other works composed in America, Dvorak added melodies from black spirituals, including “Swing Low, Sweet Chariot,” and American Indian tom-tom beats inspired by reading Longfellow’s “Song of Hiawatha.” Dvorak’s fusion of indigenous American music with classical performance met with popular acclaim, and the *New World Symphony* has become a recognized classic. Yet the musical establishment considered it to be a heresy, and Dvorak was labeled a “negrophile” for believing that indigenous musical traditions, particularly from the downtrodden, could be integrated with classical music. In his study of Dvorak, Horowitz argues that the controversy over the *New World Symphony* is part of a larger national discussion about American identity.⁵

Two aspects of Dvorak’s contributions to American music are central to our discussion, and both originate from his “outsider” perspective. The first is his recognition of African American music as both culturally important and authentically American. After World War II, jazz was recognized as the major American contribution to the world of music, and it

was enthusiastically embraced by American and international audiences. However, during the first half of the twentieth century, jazz and related African American musical traditions were relegated to the margins of American musical performance. Music, like all other aspects of American society, was deeply segregated. The popular tastes of the public and the professional judgments of composers, performers, and critics dictated that most symphony halls, concert stages, dance halls, and theaters would never invite black performers or play music that was created by African Americans. Jazz, the blues, and other musical expressions of black America were created and supported in segregated institutions, most famously in night clubs in New Orleans, New York, and Chicago and in African American churches.

During Jim Crow segregation, only a small minority of white Americans recognized the originality of African American musical traditions, especially the vitality and improvisation of jazz. Popular tastes began to shift in the 1930s as some white band leaders, most notably Benny Goodman and Artie Shaw, began to draw inspiration from jazz and to integrate their bands. Both Shaw and Goodman were second-generation Jewish Americans who blended traditional European musical traditions with the excitement of jazz.⁶ Perhaps, as the children of immigrants and minorities, Shaw and Goodman were less blinded by the racial prejudices of the times and were more willing to defy taboos to follow their musical instincts. In his autobiography, Shaw wrote that he was drawn to jazz clubs in Chicago and New York just to listen and learn.

The other aspect of an outsider perspective, illustrated by Dvorak, is the blending of traditions in musical composition and performance. There are few

genuine “inventions” – new discoveries in cultural performance, science, and other creative fields. More often, novelty arises from innovation – the transmission of ideas, insights, and techniques from one genre or specialization to another. The blending of culinary traditions has created a popular market for “fusion cuisine.” In the performing arts, successful innovation is a difficult balancing act. Audiences tend to prefer the familiar: music, drama, dance, and art that resonate with established tastes and that are reassuring rather than challenging. But occasionally, innovations in artistic performance are so brilliant that popular tastes do change. This appears to have been the case with the blending of European and jazz musical performance in the 1930s.

Artie Shaw’s autobiography tells the origin story of his “Interlude in B Flat,” the composition that launched his career as a bandleader and composer.⁷ In 1936, Shaw was a well-regarded clarinetist in popular dance bands, but he did not yet have a national reputation. He was asked to perform a short interlude at a concert and was searching for something original. Drawing on his unique background performing Mozart and Brahms with string quartets and also playing swing (jazz) clarinet in dance bands, he assembled a small ensemble that blended classical strings with jazz. The performance literally stopped the show – the reaction was so overwhelming that Shaw and his ensemble had to repeat their performance before the audience would allow them to leave the stage. Shaw’s national reputation was made overnight.

Although many “insiders” in the American performing and cultural arts can and do reach beyond established boundaries to make innovative contributions, outsiders are much more likely to do so. Every performing art develops its canon –

works that define excellence and traditions that are to be studied, imitated, and performed. Knowledge, skill, and reputation gravitate toward cultural continuity; rewards as well as popular and critical acclaim are generally given to those who can reproduce canonical works with fidelity. Outsiders are less bound to convention. Their mixed culture and unique position tend to give them more possibilities for innovation. And because outsiders are already marginal, they have less status to lose by challenging convention.

Many immigrant composers and performers were, of course, also guardians of established traditions. In his account of European “artists in exile,” Horowitz describes how many immigrant composers, conductors, directors, and performers were able to continue their creative work within the European canon because the American cultural establishment was so Eurocentric.⁸ The Russian revolution and, later, the rise of Nazi Germany exiled many of the most creative and talented European artists of the twentieth century. Some artists fled for their lives, but many others simply left because of their distaste for the oppressive regimes. Many, perhaps most, exiled artists embraced the freedoms and opportunities of American society, but they remained intellectually and creatively within the cultural worlds of their origins. Rudolf Serkin, for example, became a celebrated American concert pianist and played a founding role in several American musical institutions, including the famous Marlboro Festival near his farm in Vermont. But as a concert pianist, Serkin was self-consciously an upholder of tradition, the faithful reproduction of the German musical canon.

However, a number of exiled artists, following the example of Dvorak, looked to the United States as an opportunity to create new cultural forms. Rouben Ma-

moulian was one such innovator, arriving in the United States at age 26 to become the director of an opera company and the Eastman Theatre in Rochester, New York.⁹ Mamoulian was born into a cosmopolitan family and learned to speak Armenian, Russian, and Georgian as a youth in Tbilisi (then Tiflis). For several years, his family lived in Paris, where he attended school and learned French and other European languages. As a law student in Moscow, he acquired an ambition to become a director through his participation in productions of the Moscow Art Theatre.¹⁰ At age 24, he went to London, where he began directing Russian-language plays and soon was active in English theatrical productions. Two years later, he accepted the position to direct operas, operettas, and plays at the Eastman Theatre. He was drawn to the United States in part by his fascination with American culture, cultivated by reading Mark Twain, Bret Harte, and O. Henry and by hearing stories about Buffalo Bill and American cowboys.¹¹ A few years after moving to New York, Mamoulian directed an all-black cast in the 1927 Broadway production of *Porgy*, a play adapted from DuBose Heyward's novel focused on the lives of African Americans in Charlestown, South Carolina. Mamoulian later directed the 1935 Gershwin opera *Porgy and Bess*, as well as the original Broadway productions of *Oklahoma!*, *Carousel*, and many Hollywood films.

In addition to his extraordinary talents, Mamoulian's accomplishments may have been partially due to his outsider role as an immigrant. The New York Theatre Guild was intent on using black actors, not white actors in blackface, in the 1927 production of *Porgy*. Numerous established white directors declined to work with a black cast. In contrast, Mamoulian accepted the directorship and was determined to portray African American cul-

ture accurately and sympathetically.¹² He spent time in South Carolina and in Harlem to learn as much as possible about the realities of life in African American communities. In spite of the prejudices of the era, *Porgy* was a critical success and established Mamoulian's reputation and career.

Mamoulian also pioneered the modern Broadway musical form with the 1943 Broadway production of *Oklahoma!*¹³ In that show, Mamoulian created a fully integrated musical in which all elements (music, lyrics, choreography, set, costumes) were organized into a dramatic whole to advance the plot.¹⁴ His willingness to challenge convention was expressed in a 1983 interview with *The New York Times* that was later published in his obituary:

"You must trust your instinct, intuition and judgment. You must do something different." He said he had lectured to film students around the country. "Too many of them," he said, "slavishly follow authority. Some of the screen's best moments were realized because a director went against all reason, all logic. No matter how incredible a story seems, it can be made credible. If you feel an insane idea strongly enough, you've usually got something."¹⁵

The disproportionate role of immigrants and their children in creating twentieth-century popular music is well known. Irving Berlin, who was born as Israel Baline in Russia, wrote "White Christmas," "Easter Parade," "God Bless America," and numerous other standards. Many of the most highly regarded composers and playwrights of Broadway were the children of immigrants, including George and Ira Gershwin, Richard Rodgers, Lorenz Hart, Jerome Kern, Harold Arlen, and Leonard Bernstein.¹⁶ These composers and lyricists were largely second- and third-generation

Jewish immigrants who were reared in ethnic enclaves; but their work has defined the quintessential American musical culture of the twentieth century. More than any other twentieth-century composer, George Gershwin (Jacob Gershowitz), the child of Jewish immigrants, moved easily between the worlds of classical, jazz, and popular music before his death at age 38. “Gershwin signified the best hope to challenge the ‘white’ Eurocentricity of American classical music,” Horowitz writes. “Comet-like, he illuminates the entire musical landscape.”¹⁷

Immigrants and their children have also been prominent in other realms of artistic achievement, including ballet and modern dance. George Balanchine, born Georgi Balanchivadze in Russia, founded the New York City Ballet in 1948 and choreographed eighteen Broadway shows and several Hollywood films.¹⁸ Balanchine felt that the United States offered a fresh canvas for experimentation with ballet and dance: “I wanted to go to America; I thought it would be more interesting there, something would happen, something different.”¹⁹ Inspired by images of Ginger Rogers and Fred Astaire in Hollywood films, Balanchine had a vision of a new American tradition of dance, and he has been credited with “Americanizing” ballet in the United States in the mid-twentieth century.²⁰ As with other immigrant artists, Balanchine was drawn to the United States because of the opportunities to create distinctly new cultural forms that could challenge prior traditions and convention.

Several other notable Broadway choreographers were second-generation immigrants, including Michael Kidd (Michael Greenwald), Jerome Robbins (Jerome Wilson Rabinowitz), and Helen Tamiris (Helen Becker). These three choreographers, all children of Russian immigrants, received one-third of all Tony Awards for

choreography between 1947 and 1973.²¹ Kidd achieved fame for his choreography on Broadway (*Finian’s Rainbow*, *Guys and Dolls*, *Can Can*, and many more) and in Hollywood musicals, including *Seven Brides for Seven Brothers* (1954).²² Robbins is perhaps best known for his choreography of gang fights in *West Side Story*; he received five Tony Awards and a host of other honors during his lifetime.²³

In the early twentieth century, the development of the film industry transformed the performing arts. Like many other new sectors of the industrial economy, the process was decentralized and chaotic. Hundreds, perhaps thousands, of new entrepreneurs tried to produce and market films to the American public. In addition to mastering the technology of production, would-be film entrepreneurs had to challenge the monopolistic claims of the Edison Trust (owned by Thomas Edison), develop creative content, and distribute the final product to thousands of movie houses around the country.

In this rough and tumble world, the Hollywood movie industry emerged after many years of trial and mostly error. It is somewhat surprising that the magnates, who created the “most American” entertainment industry and an enormously profitable sector, were first-generation Eastern European Jewish immigrants.²⁴ They were not successful because of their privileged social origins, connections to established elites, or familiarity with the performing arts. Rather, they were highly entrepreneurial risk-takers who claimed to know popular tastes from earlier experiences in retailing and marketing fashion to the American public. And they possessed larger-than-life egos, which allowed them to believe that they could succeed where so many others had failed.

In contrast to the management of the major Hollywood studios, the majority of

the creative talent in the film industry – producers, screenwriters, directors, and actors – was native-born. Outsiders, it was thought, might be at a disadvantage in creating plausible stories and characters that would appeal to American audiences. This tendency was probably reinforced by attitudes of the movie moguls themselves, who were perhaps overly sensitive to their immigrant roots, and who wanted to avoid all signs of foreignness in Hollywood.²⁵ Given this context, it is somewhat surprising that immigrants and the children of immigrants were actually very successful in writing, producing, directing, and acting in American films and plays for most of the first half of the twentieth century.²⁶ The majority of Hollywood film directors who have won two or more Academy Awards were either immigrants or the children of immigrants.²⁷ Not only were immigrant directors highly overrepresented at the top of their profession, but many created images of American society that resonated as classic Americana.

The films of celebrated immigrant film director Frank Capra helped reinforce beliefs in the American dream. Capra was born in Italy in 1897 and came to the United States as a child. He won three Academy Awards for directing in the 1930s (*It Happened One Night* in 1934, *Mr. Deeds Goes to Town* in 1936, and *You Can't Take It with You* in 1938), but he is best remembered for *Mr. Smith Goes to Washington* (1939) and *It's a Wonderful Life* (1947). Capra's movies often reflect the decency of the common man and the triumph of good over greed and evil. A defining theme in his work is the goodness of the average American and small-town values.

William Wyler, who also received three Academy Awards for directing (*Mrs. Miniver* in 1942, *The Best Years of Our Lives* in 1946, and *Ben Hur* in 1959), was born in Germany and immigrated to the United

States as a young man. He earned his directing spurs by turning out a large number of successful westerns in the 1920s, before focusing on more dramatic movies marked by a perfectionist pursuit of craft and technique.²⁸ Wyler's movies explore deep questions about American society and culture, such as the readjustment problems faced by veterans after World War II and how accusations of homosexuality could destroy careers and community. Wyler's portrayal of characters allowed the audience to understand and to empathize with complex human motives.

Billy Wilder was born in Austria in 1906. He began his career writing scripts for movies in Berlin before arriving in the United States in the early 1930s. He struggled at the margins of Hollywood for a number of years before his script-writing and directing led to popular and critical success. Wilder won two Academy Awards for directing (*The Lost Weekend* in 1945 and *The Apartment* in 1960), but he also wrote and directed a long series of very popular movies from the 1940s to the 1970s, including *Some Like it Hot* (1959), *Stalag 17* (1953), *Sunset Boulevard* (1950), *Double Indemnity* (1944), *Sabrina* (1954), and *The Fortune Cookie* (1966). The characters in Wilder's movies were rarely heroic; they struggled with real problems complicated by their all-too-human weaknesses. The sophisticated dialogue in Wilder's movies – marked by “sardonic humor” and “droll, biting wit” – gave little sign that the author learned English as a mature adult.²⁹

There is no consistent theme or style in the Hollywood movies created by immigrant writers and directors. Some images were very reassuring of the goodness of American values (for example, Capra), while others offered a more cynical view of human nature (for example, Wilder). Immigrant directors were entrusted to

expose anti-Semitism among the upper-middle class (Elia Kazan in *Gentleman's Agreement* in 1947) and the absurdity of mental hospitals (Milos Forman in *One Flew Over the Cuckoo's Nest* in 1975). The overrepresentation of immigrants in Hollywood is partially due to the push factors in Europe that led to mass immigration in general, and to the exile of artists in particular. These same forces led to overrepresentation of immigrants in other performing arts, including music and dance.

In some performing arts – for example, symphonic music, ballet, and Shakespearean theater – it is possible to reach the top by reproduction of the classical canon. The Hollywood film industry, along with modern dance, Broadway musicals, and popular music, is different; the genre first had to be created and then marketed to a mass American audience. Here, innovation was central to success. The American film industry was at the extreme end of the continuum of innovative performing arts. It was a new entertainment industry that experienced rapid growth in the early decades of the twentieth century. New industries are, by definition, high risk – even more so in the creation of a new art form. Trial and error was the only path to success, and many artists were competing to create films that would resonate with American audiences.

In spite of their outsider status, immigrants may have benefited from their marginality. A biographer of William Wyler (who received a record twelve Academy Award nominations for film directing), observed that Wyler was fascinated with America and things American, and as a foreigner he saw things from the point of view of an interested and sympathetic outsider.³⁰ Marginality is often considered to be a disadvantage. Migration, upward mobility, and intermarriage can bring people into new con-

texts where their mother tongue, religion, and cultural expectations are not the norm. The new experiences – cultural shock, feelings of loss, and uncertainty – are generally uncomfortable, at least until the new culture becomes familiar. Many immigrants, particularly those who arrive as adults, never really feel at home in the place of settlement. However, marginality can also stimulate creativity. Bilingual persons have more than multiple words for the same object – they often have multiple interpretations and multiple subjectivities about emotions, responses, and relationships. Similarly, persons who have been socialized in two or more cultures have broader imaginations about the range of human responses to love, death, family, and other aspects of life. Marginality, combined with extraordinary talent and strong artistic sensitivity, leads to greater openness to innovation.

Talent is a necessary condition for success in the arts, business, and most other professions, but it is not always sufficient. Being born into a family that provides high-quality education, as well as encouragement and social connections, certainly helps. Being in the right place at the right time – good luck – may be most important. In addition to talent, support, connections, and good luck, some personality traits, such as perseverance, can also make a difference. Success rarely comes easily, and most people who reach the top can recount years of rejection and adversity before their talents and contributions were recognized. For every person who is eventually recognized as a great artist, scientist, or athlete, there are probably many more comparably talented individuals who decided the low odds of success were simply not worth the sacrifices along the way.

Although the traits of persistence and determination to succeed are found in

every community and social group, immigrant families appear to be more successful than others in passing along high motivation to their children. Immigrants, and long-distance internal migrants, are invariably selective relative to non-migrants.³¹ They expect that the economic, social, and psychological costs of leaving family and friends behind will be compensated by a better future. In many cases, the future is not measured by their careers alone, but also by the lives of their children. The children of immigrants are socialized with a deep awareness of the sacrifices made by their families to give them a good start in the new society. Immigrant parents push, cajole, encourage, and shame their children to study more, practice longer, and try harder than others. This appears to lead to higher levels of academic achievement, but these parenting pressures may also lead to higher levels of depression and lower self-esteem.³²

Immigrant children are highly overrepresented in a variety of academic, mathematical, scientific, and musical competitions.³³ One notable recent achievement is the success first- and second-generation Indian immigrant children have had in the National Spelling Bee.³⁴ In a *New York Times* story about the craze among Indian immigrant families for their children's success in spelling bees, Joseph Berger notes that "immigrant strivers have always done astonishingly well in national academic contests, not to mention in school in general."³⁵

In 2011, 70 percent of the forty finalists in the Intel Science Talent Search (known originally as the Westinghouse Awards) were immigrants or the children of immigrants.³⁶ Immigrants have also dominated the ranks of top chess players in the United States in recent years. The majority of the most highly-ranked players in the United States Chess Federation

were born in countries of the former Soviet Union.³⁷

In addition to extraordinary talent, success in national competitions for chess and spelling bees requires almost superhuman investments of time and study. For the immigrant families of spelling bee champions, this means that almost all of family life is organized around coaching their precocious children. Assuming potential talent is distributed roughly equally among all groups, the higher representation of immigrants and the children of immigrants in these competitions is almost certainly due to a greater willingness of immigrant families to invest the time (and money) in training their children.

The difference between immigrant families and other families is also reflected in more mundane dimensions. Because of the strong push for success by their immigrant parents, the second generation is less likely to be "at risk" in American schools, especially if socioeconomic origins are held constant. Indeed, some recent research reports a "second generation advantage," typified by higher grades, better conformity to school rules, lower high school drop-out rates, and greater likelihood of attending college.³⁸ Of course, not all immigrant children are doing well; there are immigrant youth gangs, immigrant children who have adopted anti-social attitudes, and many others who struggle with language, alienation, and fear of deportation.³⁹ On average, however, immigrant youth are doing much better than expected.⁴⁰

Another sign of immigrant striving is the recent increase in foreign-born players in the national pastime of baseball, including in the major leagues.⁴¹ In the late nineteenth century, foreign-born players composed about 10 to 15 percent of the rookie class – about the proportion of foreign-born in the general popula-

tion. This figure dropped in the middle decades of the twentieth century as immigration declined. The figure rose in the 1960s and stabilized in the low teens until the 1990s, when the figure rose sharply to about 25 to 30 percent.⁴² Foreign-born baseball players, on average, are more likely to play in All-Star games than native-born players.⁴³ Foreign-born basketball players have also become more visible in American professional basketball.⁴⁴ To be sure, the participation of foreign-born athletes in American professional sports is as much a story of globalization as immigration. Many professional athletes are not immigrants in the classic sense. They are often recruited by American teams, and only live in the United States for the duration of the professional sports season. Nonetheless, there is a parallel between the growing presence of international athletes in American sports and the image of the striving outsider who struggles to reach the top.

The overlap between immigrant striving and international recruitment is also evident in many competitive American institutions, such as multinational firms, symphony orchestras, and universities. Market forces drive competition for talent. Audiences want to watch the best performances, and many organizations, both for-profit and nonprofit, are locked in intense competition for customers, research grants, and prestige. In less competitive environments, native-born administrators and managers would probably prefer to hire people like themselves – those with whom they share the same language, culture, and background. However, the desire for success generally trumps parochialism.

Scientific progress is the major source of modern economic growth, increasing longevity and other features of modern

development that enhance the quality of life in the United States. American economic development has been fostered by government investment in scientific and technological innovation, but also by the migration of scientists from other countries as well as the high levels of participation of immigrants and the children of immigrants in science and engineering.

Albert Einstein, perhaps the preeminent American scientist of the twentieth century, was a refugee from Nazi Germany. There are many other examples of distinguished scientists, researchers, academics, and entrepreneurs who arrived in the United States as students or pursued their talents in American universities and/or industry, including Enrico Fermi, Edward Teller, and Hans Bethe (the fathers of the atomic age), Elias Zerhouni (former director of the National Institutes of Health), and Andrew Grove, Jerry Yang, and Sergey Brin (the engineering entrepreneurs who led the American transition to the digital age). From 1990 to 2004, over one-third of U.S. scientists who received Nobel Prizes were foreign born.⁴⁵

The impact of immigration on the development of science in the United States is more than the story of a relatively open door for immigrants who are exceptionally talented scientists and engineers. Over the last four decades, American universities have played an important role in training immigrants and the children of immigrants to become scientists. Foreign students have become increasingly central to American higher education, particularly in graduate education in engineering and the sciences. After graduating with advanced degrees from American universities, many foreign students return to their home countries, though a significant share is attracted to employment opportunities in American universities, laboratories, and industries. Many

of the foreign students who have become permanent residents or U.S. citizens go on to make important contributions to the development of American science and engineering.

In a recent overview of American-trained doctorates working in the sciences and engineering sectors in the United States (based on National Science Foundation surveys of doctorate recipients), Paula E. Stephan and Sharon G. Levin found that the share of non-citizens had increased from 8.5 percent in 1973 to almost 21 percent in 1997 (based on citizenship reported at the time of degree).⁴⁶ These figures underestimate the foreign-born contribution to American science because foreign students who naturalized before receiving their degrees were not counted, nor were foreign-trained scientists working in American universities, labs, and industry. A more inclusive measure of the birthplace of workers in scientific and engineering occupations, based on Current Population Survey data, shows that the foreign-born percent of working scientists and engineers increased from 14 percent in 1994 to 24 percent in 2006.⁴⁷

The role of foreign students in graduate-level science programs is even more striking. According to surveys conducted by the National Science Foundation, almost 46,000 doctoral degrees were earned in the United States in 2006 – only a slight increase from 43,000 in 1997.⁴⁸ The share of doctoral degrees earned by American citizens during the decade declined from 66 percent to 59 percent. The presence of American citizens remains dominant in the fields of education, the humanities, and in psychology, where citizens represent 81 percent, 74 percent, and 83 percent of all doctorates, respectively, with only modest declines over the decade. However, in many scientific fields, the role of American citizens is

secondary. In 2006, American citizens received only 41 percent of all doctoral degrees in mathematics and 40 percent in physics. The share of American citizens earning Ph.D.s in engineering from American universities declined from 45 percent in 1997 to 30 percent in 2006. Only 22 percent of the doctorates in electrical engineering in 2006 went to American citizens.

The opportunity to pursue graduate training at prestigious American universities, historically considered to be the best in the world, is a very attractive option for students in developing countries. International students, including the native-born children of immigrants, are generally very competitive in terms of their mathematical and scientific qualifications, as measured by GRE scores and similar tests. International students are also highly motivated and many do very well in the extremely competitive graduate programs at top American universities. As economists John Bound, Sarah Turner, and Patrick Walsh report, “We suspect that the resources of U.S. research universities are a lure for the best and brightest across the world.”⁴⁹

Foreign students, many of whom become American citizens, have clearly helped sustain excellence in American universities and in scientific research. Several studies have concluded that foreign-born scientists and engineers have made exceptional contributions to scientific progress, as measured by the number of patents awarded to U.S. universities, research centers, and firms.⁵⁰ Foreign-born scientists are overrepresented among members of elected honorary societies such as the National Academy of Engineering and National Academy of Sciences, and among the authors of highly cited academic papers.⁵¹ During the last decades of the twentieth century, immigrant entrepreneurs formed a significant

contingent of all founders of U.S. high-technology start-ups.⁵² A recent study estimates that one in four technology firms started in the United States between 1995 and 2005 was founded by foreign-born entrepreneurs.⁵³

More than any other aspect of culture, contemporary American cuisine combines traditions from almost every population on the planet. Historian Donna Gabaccia argues that traditional American cuisine is a Creole mix that reflects influences from the three major founding populations of indigenous American Indians, Europeans, and Africans.⁵⁴ Over the last century, immigrants from Germany, Italy, Greece, Lebanon, China, Japan, and India have all left distinctive culinary marks on what Americans eat in restaurants and in their homes. Ethnic foods have become American foods, and even American fast foods.

For many, the last refuge of American cooking, with no pretensions of foreign influences, is traditional hamburgers and hot dogs, preferably cooked outside on a charcoal grill. This belief in authentic American food has likely inspired the menus at presidential events, such as when President Nicolas Sarkozy of France visited President George W. Bush and his family at Kennebunkport in August 2007 and when the King and Queen of England visited President and Mrs. Roosevelt at the White House in 1939.⁵⁵ Alas, the classical American hot dog is probably the product of nineteenth-century German immigration. “Wiener” and “frankfurter,” synonyms for hot dogs, reflect the geographical origins of German sausage-makers: Vienna (Wien in German) and Frankfurt. Similarly, hamburger is the name for a native of the German city of Hamburg, which must have been the place of origin of the German sausage-makers who popular-

ized chopped beef, formed into a cake and fried. Hamburgers, hot dogs, and other traditional American foods were popularized in the early twentieth century in “diners,” a distinctive restaurant style resembling railroad cars. Diners were commonly run by Greeks and other immigrants who found a niche serving low-cost food to the American masses.⁵⁶

All other things being equal, most societies, communities, organizations, and cultures tend to resist change, especially from outside sources. The truism that “people prefer that which is familiar” is reinforced by persons with authority, power, and status, who generally shape cultural expectations to revere conformity more than innovation. This pattern, an “ideal type” to be sure, is especially common in traditional rural areas, among multigenerational families, and in religious and cultural organizations.

There are, of course, many exceptions to this pattern, especially during eras of rapid technological and social change, wartime, and other times of catastrophe. The simple proposition of cultural continuity helps explain the generally conservative nature of intergenerational socialization and the ubiquity of ethnocentrism – beliefs that value insiders and traditional culture more than outsiders. All other things being equal, immigrants would generally be isolated and stigmatized because their behaviors and beliefs are different and therefore challenge existing social arrangements and familiar cultural patterns.

But all other things have not been equal throughout American history. The United States has received about 75 million immigrants since record-keeping began in 1820. This open door was due to a confluence of interests, both external and internal. As modernization spread throughout the Old World during the eighteenth and

nineteenth centuries, the (relatively) open frontier beckoned the landless and those seeking economic betterment. These patterns culminated in the early twentieth century, when more than one million immigrants arrived annually – a level that is only being rivaled by contemporary immigration rates. American economic and political institutions also gained from immigration. Immigrant settlement helped secure the frontier as well as provide labor for nation-building projects, including transportation networks of roads, canals, and railroads. During the era of industrialization, immigrant labor provided a disproportionate share of workers for the dirty and dangerous jobs in mining and manufacturing.⁵⁷

Despite its history as an immigrant society, the United States has rarely shown new arrivals a welcome reception. The conservative backlash against immigrants has been a perennial theme in American history. During the age of mass migration, the negative reaction against immigrants was not simply a response from the parochial masses, but also a project led by conservative intellectuals. Long before immigration restrictions were implemented in the 1920s, there was a particularly virulent campaign against the “new” immigrants from Eastern and Southern Europe. Most of these immigrants practiced Catholicism and Judaism – religious and cultural traditions that threatened the traditional ascendancy of white Protestants of English ancestry.

As most Northeastern and Midwestern cities became dominated by immigrants (both first and second generations) in the late nineteenth century, many elite old-stock American families and communities created barriers to protect their “aristocratic” status and privilege against newcomers.⁵⁸ Residential areas became “restricted,” college fraternities and soror-

ities limited their membership, and many social clubs and societies only allowed those with the right pedigrees and connections to be admitted.⁵⁹ Barriers to employment for minorities, especially Jews, were part of the culture of corporate law firms and elite professions.⁶⁰ In the early twentieth century, many elite private universities were notorious for their quotas for Jewish students and their refusal to hire Jews and other minorities.⁶¹ In some cases, these quotas persisted until the 1960s.

Given this history, how were immigrants and their children able to make such impressive achievements in American science, arts, and culture? Part of the solution to this puzzle is that immigrants, and especially their children, were pulled into self-employment and new sectors of the economy where there was less discrimination. As noted above, prestigious organizations that celebrated tradition tended to be closed to outsiders. Yet the early twentieth century was an era of rapid demographic, economic, and technological change. This may have created more flexibility and openness.

The market for culture was greatly expanded as cities and urban populations grew and disposable income increased. A significant share of the urban population, the potential consumers of art and culture, was of immigrant stock. Perhaps most important, technological change and entrepreneurial innovation created the motion picture industry. In the 1920s, immigrant risk-takers, and Eastern European Jewish immigrants in particular, transformed the fledgling motion picture industry into the empires that eventually became the mega-studios in Hollywood. Although the new Hollywood moguls sought to create movies that appealed to mass audiences and ignored any hint of ethnicity or religion, their presence may have minimized traditional prejudices

and discrimination in hiring. Commenting on vaudeville, not cinema, literary and social critic Irving Howe characterized the openness of the performing arts (and sports) to talented outsiders:

The [entertainment industry] brushed aside claims of rank and looked only for the immediate promise of talent. Just as blacks would later turn to baseball and basketball knowing that here at least their skin color counted for less than their skills, so in the early 1900s, young Jews broke into vaudeville because here too, people asked not, who are you? but, what can you do?⁶²

This openness is reinforced in fields and professions where talent and accomplishment are clearly visible and easily recognized. The most obvious example is sports, where athletic ability is directly measured in batting averages, passes completed, and free throw percentages. The links between athletic ability, games won, and fan attendance are sufficiently high to ensure that meritocracy (of ability and performance) is the primary principle of hiring in professional sports. This generalization might be challenged by the fact that Major League Baseball did not allow participation by African American players until 1947.⁶³ This critique has also been applied to capitalist markets, where competition has not necessarily reduced racial and ethnic discrimination in hiring and promotion. Sociologist Herbert Blumer noted that if customers and employees were prejudiced, firms that hired more qualified minorities over less qualified majority whites would not necessarily gain an economic advantage.⁶⁴ If all firms are less efficient because of non-meritocratic hiring, there is little economic penalty for discrimination. This was the situation in professional baseball prior to 1947, and perhaps in many other firms and professions. At most elite colleges prior to World War II,

for example, there was little emphasis on earning high grades – a “Gentleman’s C” was considered an appropriate goal for a well-rounded student.⁶⁵ Competition and clear measures of merit do not always lead institutions to search for the best talent through meritocratic processes of admission and hiring.

In spite of these tendencies, many American institutions became more open and meritocratic over the twentieth century. Baseball and other professional sports were integrated before most other institutions, including public schooling (both *de jure* and *de facto*). American professional sports have become more global, with growing participation of talented international players. This trend is driven, in large part, by competition. Sports fans want winning teams, and large audiences increase revenues. The owners and management of sports teams respond to market pressures by recruiting talented players from other countries. Similar processes are at work in universities and scientific organizations. More talented researchers generate more grants, more patents, and more commercial applications of scientific discoveries. The global search for talented graduate students and researchers by elite American universities and research organizations is driven by competitive pressures that have accelerated in recent decades. Other fields where merit is relatively easy to measure, such as in classical music performance, have also become part of a global employment market.

There is similar competition for talented employees in many American corporations and businesses, but the degree of openness depends on the pace of technological change, market competition, and the ability to measure merit. Some traditional sectors, such as old mainline industries, may focus more on continuity, advertising, and efficiency than technological innovation. Other sectors, such as

the electronic and computing industry, are at the forefront of technological innovation and international competition (for example, Silicon Valley). They are more likely to be meritocratic and willing to hire outsiders – immigrants and foreign students who have the necessary skills.

The same processes of innovation and competition have shaped the evolution of Hollywood, Broadway, and many other American performing and cultural arts. Audience preferences may have tended toward familiar cultural content, but there was undoubtedly strong market pressure for “quality,” however defined. There was also considerable room for innovation in artistic and cultural performance in a pluralistic society with relatively few cultural touchstones. Immigrants and their children played important roles in the development of culture and art in twentieth-century America, just as they have in science and academic institutions.

The presence of immigrants and their offspring has helped “push” American institutions in the direction of increasing openness and meritocracy. This has not always been a smooth or conflict-free process. When Jewish students appeared in large numbers in leading American universities in the early twentieth century, they were deemed “rate-busters” who upset the traditional college student culture, which emphasized leisure-time pursuits more than study and serious scholarly inquiry. The implementation of quotas to lower the numbers of Jewish students at Ivy League colleges soon followed.

The growing number of talented Jewish students, mostly second-generation immigrants, certainly raised the academic standards at those universities that did not discriminate. As universities began to compete for faculty and graduate students during the post-World War II era, the quota restrictions on student and faculty eventually disappeared.⁶⁶ Elite col-

leges and universities still retain legacies of non-merit-based admission systems, including programs to privilege the children of alumni, and there is also evidence that Asian American students have not been admitted in numbers proportional to their test scores; these current practices, however, are only a shadow of those of earlier times.⁶⁷ Universities are not completely meritocratic, but they have become more meritocratic with increasing competition and acceptance of talented “outsiders.”

Greater openness to hiring and promotion on the basis of merit has become an integral part of many American institutions. The reputation of the United States as a land of opportunity for those with ambition and ability – a theme in many Hollywood movies – made the country a beacon for prospective immigrants. In addition to raising the international stature of the United States, the participation of talented immigrants and their children has almost certainly made American scientific and cultural institutions more successful than they would have been in their absence.

For many Americans, there is a deep fear that immigrants will change American character and identity, presumably for the worse. These fears are often inchoate, perhaps because the definition of American identity is elusive. Unlike many other societies, the United States does not have an identity tied to an ancient lineage. Given the two wars against the British in early American history (in 1776 and 1812), the founders of the American republic did not make English origins the defining trait of American identity. Being American was defined as acceptance of the Enlightenment ideas expressed in the founding documents of the Declaration of Independence, the Constitution, and the Bill of Rights.⁶⁸

Even though these ideals have been belied by the continuing stain of slavery, civic identity, rather than ancestry, has been the distinctive feature of American “peoplehood” from the very start. This trait combined with *jus soli* (birthright citizenship) has slowed, if not stopped, efforts to define Americans solely on the basis of ancestral origins.⁶⁹ Another reason for the broad definition of American identity is that the overwhelming majority of the American population, including white Americans, is descended from nineteenth- and twentieth-century immigrants. Demographic estimates suggest that less than one-third of the American population in the late twentieth century was descended from the eighteenth-century American population.⁷⁰

Yet there have been recurrent struggles to redefine American identity in terms of ancestry. The first naturalization law passed by Congress, in 1790, limited citizenship to whites. The broadening of American citizenship to include African Americans, American Indians, and Asian immigrants has been tumultuous. The short-lived but remarkably successful “Know-Nothing” political movement called itself the American Party to highlight the ancestral origins of its adherents. In the late nineteenth century, as new immigrants from Southern and Eastern Europe were pouring in, some old-stock Americans founded organizations such as the Sons of the American Revolution and Daughters of the American Revolution to celebrate their ancestral pedigrees and to distance themselves from recent immigrants. The national-origin quotas of the 1920s were a clear victory for those who feared dilution of the white English Protestant composition of the American population. Much of the current anti-immigrant movement also appears to be based on a definition of “Americanness” expressed through ancestry, language, and culture.

Although immigration has been a defining feature of American history, the impact of immigration on American culture is rarely addressed in the literature.⁷¹ The neglect might be partially due to the dominance of assimilation theory, which emphasizes the changes in the culture of immigrants, not the changes in American institutions and culture in response to immigration. Knowledge of the contributions of immigrants to American culture might help recapture the original definition of American identity as rooted in the civic ideals of the Revolutionary era.

The impact of immigration on American society and culture is a product of several forces, including the sheer size of the demographic influx extending over such a long period of time. The other key factor is immigrant selectivity, particularly on characteristics that are difficult to measure in censuses and surveys, such as motivation for success.⁷² Almost by definition, immigrants are risk-takers. All migrants, domestic as well as international, give up the comforts of home and familiarity to seek new opportunities. But international migrants are a special breed. Most have traveled long distances, faced bureaucratic barriers, and have sometimes even risked life and limb to reach their destinations. These characteristics mean that they will not be easily deterred from their goals. Of course, some migrants do return home. The ones that remain are generally those who have found a niche that allows them to live, work, and contribute to American society.

Perhaps the most important contribution that immigrants make to American society is their children. Many immigrants have made enormous sacrifices for their children’s welfare, including the decision to settle in the United States. Immigrant parents often have to work in menial jobs, multiple jobs, and in occupations well below the status they would

have earned if they had remained at home. These sacrifices have meaning because immigrant parents believe that their children will have better educational and occupational opportunities in the United States than in their homelands. Immigrant parents push their children to excel by reminding them of their own sacrifices. These high expectations for the children of immigrants have a strong impact on academic and worldly success.⁷³ A large body of research shows that the children of immigrants do remarkably well in American schools. Holding constant their socioeconomic status, the second generation obtains higher grades in school and above-average results on standardized tests, is less likely to drop out of high school, and is more likely to go to college than the children of native-born Americans.⁷⁴

Immigrants and their children are overrepresented in a broad range of rare achievements, including as Nobel Prize winners, leading scientists, and top performing and creative artists. They have broadened our cultural outlook and have sometimes even defined American culture through literature, music, and art. Immigrants are, by definition, bicultural, and sometimes multicultural. They can navigate multiple languages and understand how people from different backgrounds think and respond. Some sociologists label this phenomenon *marginality*. The classic marginal man was supposed to be subject to psychological distress, never knowing if he really fit in or belonged to any society or culture. The flip side of marginality, however, is creativity.

Persons with multicultural backgrounds have multiple frames of reference; they can see more choices, possibilities, interpretations, and nuance than persons who are familiar with only one culture. When combined with great talent and determination, a multicultural perspective may

allow for cultural innovation. For example, music that linked African American traditions, including jazz, with classical European traditions has been a specific innovation of outsiders, from Dvorak's *New World Symphony* to Gershwin's *Porgy and Bess*, as well as the integrated big bands of Artie Shaw and Benny Goodman.

Compared with other societies, the United States is generally regarded as unusually competitive, placing a high premium on progress and innovation. This dynamic characteristic may well arise from the presence of immigrants and their linked evolution with American institutions and identity. The size and selectivity of the immigrant community means that immigrants (and/or their children) are competing for entry into colleges, jobs, and access to prestigious positions and institutions. Not all institutions have been open to outsiders. In particular, high-status organizations often give preference to persons with the right connections and social pedigree. But institutions that opened their doors to talented outsiders – namely, immigrants and their children – eventually gained a competitive advantage. Over time, greater openness and meritocratic processes have helped shape the evolution of American institutions in the arts, sports, science, and some sectors of business. In turn, the participation of outsiders has reinforced a distinctive American character and culture that values not “who are you?” rather, “what can you do?”

Because immigrants have to work to learn the system, they are intensely curious about American culture. For the most talented, this tendency leads to a rich and expansive creativity that has left its imprint on American music, theater, dance, film, and many other realms of artistic endeavor. Finally, American institutions – schools, universities, businesses, sports teams, and even symphony or-

chestras – are meritocratic and seek talent wherever they can find it. The United States is a competitive society that values progress and success. This dynamic char-

acteristic has been created partly through the presence of immigrants, who push the country toward valuing skills and ability over social pedigree.

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ENDNOTES

- Author's Note: I thank Elizabeth Ackert and Tony Perez for their assistance and comments on earlier versions of this paper. This research has been supported by a grant from the National Institute of Child Health and Human Development (HD47289).
- ¹ William Ruhlmann, "Al Jolson Biography," AllMusic, <http://www.allmusic.com/artist/al-jolson-mn0000609215> (accessed July 22, 2012).
 - ² Larry Stemple, *Showtime: A History of the Broadway Musical Theater* (New York: W.W. Norton, 2010), 152 – 153.
 - ³ "Al Jolson: Legacy and Influence," Wikipedia, http://en.wikipedia.org/wiki/Al_Jolson (accessed July 26, 2012).
 - ⁴ Joseph Horowitz, *Classical Music in America: A History of Its Rise and Fall* (New York: W.W. Norton, 2005), 5 – 10, 222 – 231.
 - ⁵ Joseph Horowitz, *Artists in Exile: How Refugees from Twentieth-Century War and Revolution Transformed the American Performing Arts* (New York: HarperCollins, 2008), 3.
 - ⁶ Ross Firestone, *Swing, Swing, Swing: The Life and Times of Benny Goodman* (New York: W.W. Norton, 1993); and Artie Shaw, *The Trouble with Cinderella: An Outline of Identity* (Santa Barbara, Calif.: Fithian Press, 1992).
 - ⁷ Shaw, *The Trouble with Cinderella*, 293 – 303.
 - ⁸ Horowitz, *Artists in Exile*.
 - ⁹ Mark Spergel, *Reinventing Reality: The Art and Life of Rouben Mamoulian* (Metuchen, N.J.: Scarecrow Press, 1993); and Horowitz, *Artists in Exile*, 342 – 365.
 - ¹⁰ "In or Of the Broadway Scene: Introducing the Young Russo-Armenian Who Staged an American Negro Play, and a Dancer from Philadelphia," *The New York Times*, October 30, 1927.
 - ¹¹ Margaret Case Harriman, "Mr. Mamoulian, of Tiflis and 'Oklahoma!'" *The New York Times*, July 25, 1943; and Spergel, *Reinventing Reality*.
 - ¹² Spergel, *Reinventing Reality*.
 - ¹³ Stemple, *Showtime*, 300 – 312.
 - ¹⁴ Robert B. Flint, "Rouben Mamoulian, Broadway Director is Dead," *The New York Times*, December 6, 1987.
 - ¹⁵ *Ibid.*
 - ¹⁶ Richard Rodgers was the grandson of immigrants. See Andrea Most, *Making Americans: Jews and the Broadway Musical* (Cambridge, Mass.: Harvard University Press, 2004).
 - ¹⁷ Horowitz, *Classical Music in America*, 470.
 - ¹⁸ Horowitz, *Artists in Exile*, 23 – 45.
 - ¹⁹ *Ibid.*, 30.
 - ²⁰ *Ibid.*; and Bernard Taper, *Balanchine: A Biography* (New York: New York Times Book Co., 1984).
 - ²¹ See the Tony Awards website, http://www.tonyawards.com/p/tonys_search.

- ²² Patricia Eliot Tobias, "Michael Kidd, Choreographer, Dies," *The New York Times*, December 24, 2007.
- ²³ Anna Kisselgoff, "Jerome Robbins, 79, Is Dead: Giant of Ballet and Broadway," *The New York Times*, July 30, 1998; and http://www.tonyawards.com/p/tonys_search.
- ²⁴ Neal Gabler, *An Empire of Their Own: How Jews Invented Hollywood* (New York: Anchor Books, 1988).
- ²⁵ *Ibid.*
- ²⁶ Paul Buhle, *From the Lower East Side to Hollywood* (London: Verso, 2004); Horowitz, *Artists in Exile*, chap. 4; Gene D. Philips, *Exiles in Hollywood: Major European Film Directors in America* (Bethlehem, Pa.: Lehigh University Press, 1998); and Mark Winokur, *American Laughter: Immigrants, Ethnicity, and 1930s Hollywood Film* (New York: St. Martins Press, 1996).
- ²⁷ Charles Hirschman, "Immigration and the American Century," *Demography* 42 (2005), Table 4.
- ²⁸ Philips, *Exiles in Hollywood*, chap. 3.
- ²⁹ *Ibid.*, chap. 6.
- ³⁰ *Ibid.*, 87.
- ³¹ Cynthia Feliciano, "Does Selective Migration Matter? Explaining Ethnic Disparities in Educational Attainment Among Immigrant Children," *International Migration Review* 39 (2005): 841–871; and Cynthia Feliciano, "How Do Immigrants Compare to those Left Behind?" *Demography* 42 (2005): 131–152.
- ³² Grace Kao, "Psychological Well-Being and Educational Achievement Among Immigrant Youth," in *Children of Immigrants: Health, Adjustment, and Public Assistance*, ed. Donald Hernandez (Washington, D.C.: National Academies Press, 1999), 410–477; and Carl L. Bankston and Min Zhou, "Being Well vs. Doing Well: Self Esteem and School Performance Among Immigrant and Nonimmigrant Race and Ethnic Groups," *International Migration Review* 36 (2002): 389–415.
- ³³ Titu Andreescu, Joseph A. Gallian, Jonathan M. Kane, and Janet E. Mertz, "Cross-Cultural Analysis of Students with Exceptional Talent in Mathematical Problem Solving," *Notes of the American Mathematical Society* 55 (10) (2008): 1248–1260; and Sean Cavanagh, "Immigrants' Children Inhabit the Top Ranks of Math, Science Meets," *Education Week* 23 (43) (2004): 14.
- ³⁴ National Spelling Bee, "Champions and Their Winning Words," <http://www.spellingbee.com/champions-and-their-winning-words#00s>.
- ³⁵ Joseph Berger, "Striving in America and in the Spelling Bee," *The New York Times*, June 5, 2005.
- ³⁶ Stuart Anderson, *The Impact of the Children of Immigrants on Scientific Achievement in America* (Arlington, Va.: National Foundation for American Policy, 2011).
- ³⁷ U.S. Chess Federation, "Top Player Bios," <http://main.uschess.org/content/view/169/203/> (accessed June 21, 2012).
- ³⁸ Stephanie Ewert, "Student Misbehavior During Senior Year," *Social Science Research* 38 (2009): 826–839; Lingxin Hao and Melissa Bonstead-Bruns, "Parent-Child Differences in Educational Expectations and the Academic Achievement of Immigrant and Native Students," *Sociology of Education* 71 (1998): 175–198; Charles Hirschman, "The Educational Enrollment of Immigrant Youth: A Test of the Segmented-Hypothesis," *Demography* 38 (2001): 317–336; Grace Kao and Marta Tienda, "Optimism and Achievement: The Educational Performance of Immigrant Youth," *Social Science Quarterly* 76 (1995): 1–19; Philip Kasinitz, John H. Mollenkopf, Mary C. Waters, and Jennifer Holdaway, *Inheriting the City: The Children of Immigrants Come of Age* (New York: Russell Sage Foundation, 2008); and Krista Perreira, Kathleen Mullan Harris, and Dohoon Lee, "Making it in America: High School Completion by Immigrant and Native Youth," *Demography* 43 (3) (2006): 511–536.

- 39 Alejandro Portes and Rubén Rumbaut, *Legacies: The Story of the Immigrant Second Generation* (Berkeley: University of California Press, 2001); and Robert Courtney Smith, *Mexican New York: Transnational Lives of New Immigrants* (Berkeley: University of California Press, 2006).
- 40 Michael White and Jennifer E. Glick, *Achieving Anew: How New Immigrants Do in American Schools, Jobs, and Neighborhoods* (New York: Russell Sage Foundation, 2009).
- 41 Stuart Anderson and L. Brian Andrew, *Coming to America: Immigrants, Baseball, and the Contributions of Foreign Born Players to America's Pastime* (Arlington, Va.: National Foundation for American Policy, 2006).
- 42 Sean Lahman, *The Baseball Archive*, <http://baseball1.com/> (accessed September 8, 2008).
- 43 Anderson and Andrew, *Coming to America*.
- 44 National Basketball Association, "Fifteen Playoff Teams Feature One or More International Players," http://www.nba.com/global/international_players_playoffs_2007.html, April 19, 2007.
- 45 William A. Wulf, "Foreign-Born Researchers Are Key to U.S. Prosperity and Security," *The National Academies in Focus* 6 (Winter/Spring 2006); and James P. Smith and Barry Edmonston, eds., *The New Americans: Economic, Demographic, and Fiscal Effects of Immigration* (Washington, D.C.: National Academies Press, 1997), 384–385.
- 46 National Science Foundation, Division of Science Resources Statistics, "Survey of Earned Doctorates, Doctorates Awarded 1997–2006," Table 3, http://www.nsf.gov/statistics/nsf09311/content.cfm?pub_id=3861&id=2; and Paula E. Stephan and Sharon G. Levin, "Foreign Scholars in the U.S.: Contributions and Costs," in *Science and the University*, ed. Paula E. Stephan and Ronald G. Ehrenberg (Madison: University of Wisconsin Press, 2007), 154.
- 47 Mariano Sana, "Immigrants and Natives in U.S. Science and Engineering Occupations, 1994–2006," *Demography* 47 (2010): 801–820.
- 48 National Science Foundation, "Survey of Earned Doctorates, Doctorates Awarded 1997–2006," Table 3.
- 49 John Bound, Sarah Turner, and Patrick Walsh, "Internationalization of U.S. Doctoral Education," Population Studies Center Report 09-675 (Ann Arbor: University of Michigan, 2009), 27, <http://www.psc.isr.umich.edu/pubs/pdf/rro9-675.pdf>.
- 50 Gnanaraj Chellaraj, Keith Maskus, and Aaditya Mattoo, "The Contribution of Skilled Immigration and International Graduate Students to U.S. Innovation," World Bank Policy Research Working Paper 3588 (May 2005), http://www-wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/2005/05/15/000090341_20050515125129/Rendered/PDF/wps3588.pdf.
- 51 Sharon G. Levin and Paula E. Stephan, "Are the Foreign Born a Source of Strength for U.S. Science?" *Science* 285 (1999): 1213–1214; and Paula E. Stephan and Sharon G. Levin, "Exceptional Contributions to U.S. Science by the Foreign-Born and Foreign-Educated," *Population Research and Policy Review* 20 (2001): 59–79; and Stephan and Levin, "Foreign Scholars in the U.S.," 150–173.
- 52 AnnaLee Saxenian, "Silicon Valley's New Immigrant Entrepreneurs," in *The International Migration of the Highly Skilled: Demand, Supply, and Development Consequences in Sending and Receiving Countries*, ed. Wayne Cornelius, Thomas J. Espenshade, and Idean Salehyan (San Diego: Center for U.S. Mexican Studies, University of California, San Diego, 2001), 197–234; and Jim McQuaid, Laurel Smith-Doerr, and Daniel J. Monti, Jr., "Expanding Entrepreneurship: Female and Foreign-Born Founders of New England Biotechnology Firms," *American Behavioral Scientist* 53 (2010): 1045–1063.
- 53 Vivek Wadhwa, AnnaLee Saxenian, Ben Rissing, and Gary Gereffi, *America's Immigrant Entrepreneurs: Part I*, Duke University Master of Engineering Management Program and UC Berkeley School of Information Research Paper, January 4, 2007, http://people.ischool.berkeley.edu/~anno/Papers/Americas_new_immigrant_entrepreneurs_I.pdf.

- 54 Donna R. Gabaccia, *We Are What We Eat: Ethnic Food and the Making of Americans* (Cambridge, Mass.: Harvard University Press, 2000).
- 55 U.S. White House Office of the Press Secretary, "President Bush Welcomes French President Sarkozy to Walker's Point," <http://georgewbushwhitehouse.archives.gov/news/releases/2007/08/200708111.html> (accessed October 12, 2009); and Franklin D. Roosevelt Presidential Library and Museum, "The Royal Visit: June 7 to 12, 1939," <http://docs.fdrlibrary.marist.edu/royalv.html>.
- 56 Gabaccia, *We Are What We Eat*.
- 57 Charles Hirschman and Elizabeth Mogford, "Immigration and the American Industrial Revolution from 1880 to 1920," *Social Science Research* 38 (2009): 897–920.
- 58 John Higham, *Strangers in the Land: Patterns of American Nativism, 1860–1925*, 2nd ed. (New Brunswick, N.J.: Rutgers University Press, 1988).
- 59 E. Digby Baltzell, *The Protestant Establishment: Aristocracy and Caste in America* (New York: Vintage Books, 1964).
- 60 Jerald Auerbach, *Unequal Justice: Lawyers and Social Change in Modern America* (New York: Oxford University Press, 1975), chap. 2.
- 61 Baltzell, *The Protestant Establishment*, 336; and Jerome Karabel, *The Chosen: The Hidden History of Admission and Exclusion at Harvard, Yale, and Princeton* (New York: Houghton Mifflin, 2005).
- 62 Irving Howe, *World of Our Fathers: The Journey of Eastern European Jews to America and the Life They Found and Made* (New York: Simon & Schuster, 1976), 557; and Most, *Making Americans*, 7.
- 63 Steven Goldman, "Segregated Baseball: A Kaleidoscope Review," *Negro Leagues Legacy*, 2009, http://mlb.mlb.com/mlb/history/mlb_negro_leagues_story.jsp?story=kaleidoscopic.
- 64 Herbert Blumer, "Industrialization and Race Relations," in *Industrialization and Race Relations: A Symposium*, ed. Guy Hunter (London: Oxford University Press, 1964), 220–253.
- 65 Jerome Karabel, "Status-Group Struggle, Organizational Interests, and the Limits of Institutional Autonomy: The Transformation of Harvard, Yale, and Princeton, 1918–1940," *Theory and Society* 13 (1984): 1–40.
- 66 Karabel, *The Chosen*.
- 67 Thomas J. Espenshade and Chang Y. Chung, "The Opportunity Cost of Admission Preferences at Elite Universities," *Social Science Quarterly* 86 (2) (2005): 293–305.
- 68 Philip Gleason, "American Identity and Americanization," in *Harvard Encyclopedia of American Ethnic Groups*, ed. Stephen Thernstrom (Cambridge, Mass.: Harvard University Press, 1980), 31–58; and Rudolph Vecoli, "The Significance of Immigration in the Formation of an American Identity," *The History Teacher* 30 (1996): 9–27.
- 69 The Fourteenth Amendment to the Constitution (adopted in 1868) defines citizenship thus: "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside." Subsequent Supreme Court rulings have interpreted the citizenship clause to include the native-born children of foreign nationals.
- 70 Barry Edmonston and Jeffrey Passel, eds., *Immigration and Ethnicity: The Integration of America's Newest Arrivals* (Washington, D.C.: Urban Institute Press, 1994), 61; and Campbell Gibson, "The Contribution of Immigration to the Growth and Ethnic Diversity of the American Population," *Proceedings of the American Philosophical Society* 136 (1992): 157–175.
- 71 Oscar Handlin, *The Uprooted: The Epic Story of the Great Migrations that Made the American People*, 2nd ed. (Boston: Little Brown, 1973).
- 72 Randall Akee, "Who Leaves? Deciphering Immigrant Self Selection from a Developing Country," *Economic Development and Cultural Change* 58 (2009): 323–344.

- 73 Hao and Bonstead-Bruns, "Parent-Child Differences in Educational Expectations and the Academic Achievement of Immigrant and Native Students," 175 – 198. *Charles Hirschman*
- 74 Andrew J. Fuligni and Melissa Witknow, "The Postsecondary Educational Progress of Youth from Immigrant Families," *Journal of Research on Adolescence* 14 (2004): 159 – 183; and Perreira, Harris, and Lee, "Making it in America," 511 – 536.

Latin American Immigration to the United States

Marta Tienda & Susana M. Sánchez

Abstract: This essay provides an overview of immigration from Latin America since 1960, focusing on changes in both the size and composition of the dominant streams and their cumulative impact on the U.S. foreign-born population. We briefly describe the deep historical roots of current migration streams and the policy backdrop against which migration from the region surged. Distinguishing among the three major pathways to U.S. residence – family sponsorship, asylum, and unauthorized entry – we explain how contemporary flows are related both to economic crises, political conflicts, and humanitarian incidents in sending countries, but especially to idiosyncratic application of existing laws over time. The concluding section highlights the importance of investing in the children of immigrants to meet the future labor needs of an aging nation.

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Both the size and composition of the U.S. foreign-born population have grown since 1960, rising from 9.7 million to nearly 40 million in 2010. Latin Americans have been a major driver of this trend, as their numbers soared from less than 1 million in 1960 to nearly 19 million in 2010.¹ The source countries have also become more diverse, especially after 1970, when flows from Central America, Cuba, and the Dominican Republic surged. However, these census-based stock measures, which combine recent and prior immigration as well as temporary and unauthorized residents, reveal little about the pathways to U.S. residence, the ebb and flow of migrants from specific countries, or the forces that produce and sustain those flows.

In this essay, we provide an overview of immigration from Latin America since 1960, focusing on changes in both the size and composition of the major flows as well as the entry pathways to lawful permanent residence in the United States, with due attention to policy shifts. We describe the deep historical roots of current migration streams and explain how these flows are related both to changes

in U.S. immigration policy and to unequal and inconsistent enforcement of existing laws in order to spotlight the myriad unintended consequences for sending and receiving communities. The concluding section reflects on the implications of Latin American immigration for the future of the nation, highlighting the growing importance of the children of immigrants for the future labor needs of an aging nation. We also note the thwarted integration prospects of recent and future immigrants in localities where anti-immigrant hostility is on the rise.

Nearly a century before the English founded Jamestown in 1607, Spanish settlements peppered the Americas. Even as they forged indelible Hispanic imprints in large swaths of the American Southwest, Spanish settlers Hispanicized the South American continent, later joined by the Portuguese in creating an “Iberian enterprise.” Rubén D. Rumbaut, poet and public intellectual, describes that process as “one of the greatest and deepest convulsions in history . . . [an] epochal movement . . . that poured the occidental nations of Europe over . . . the New World.”² As such, Spain began the first wave of migration to what would become the United States of America, and also populated one of its future sources of immigrants.

The long-standing power struggle between Spain and England, which carried over to the Americas, is also relevant for understanding Latin American immigration to the United States. Although most Spanish colonies had achieved independence by the middle of the nineteenth century, the newly independent republics were weak politically and militarily, vulnerable to external aggression. Given its proximity, Mexico proved an easy target for the expansionist aspirations of the United States. Under the terms of the Treaty of Guadalupe Hidalgo, which ended the U.S.-Mex-

ican War (1846–1848), combined with the Gadsden Purchase, the United States acquired almost half of Mexico’s land.

The significance of the annexation for contemporary immigration from Mexico cannot be overstated. Not only were social ties impervious to the newly drawn political boundary, but economic ties also were deepened as Mexican workers were recruited to satisfy chronic and temporary labor shortages during the nineteenth and twentieth centuries – an asymmetrical exchange that was enabled by the maintenance of a porous border. The Bracero Program, a guest worker program in force between 1942 and 1964, is a poignant example of U.S. growers’ dependence on Mexican labor facilitated by legal contracts combined with growing reliance on unauthorized workers.

Fifty years after the Treaty of Guadalupe Hidalgo, the United States intervened in Cuba’s struggle for independence against the Spanish crown, which lost its last colonies in the Americas and the Pacific region. As part of the settlement, the United States acquired Puerto Rico, Guam, and the Philippines, and was ceded temporary control of Cuba. Both the U.S.-Mexican War and the Spanish-American War established foundations for U.S.-bound migration. Mexico and Cuba have been top sending countries for most of the twentieth century and into the twenty-first, with the Philippines ranking second since 1980.³ Notwithstanding intermittent travel barriers imposed by the Castro regime, Cuba was a top source of U.S. immigrants during the last half of the twentieth century, consistently ranking among the top three Latin American source countries and among the top ten worldwide.

The underpinnings of contemporary migration from Latin America are also rooted in policy changes designed to regulate permanent and temporary admis-

sions, beginning with the Immigration Act of 1924. Although widely criticized for establishing a racist quota system designed to restrict migration from Southern and Eastern Europe, the 1924 Act is relevant for contemporary Latin American immigration because it explicitly exempted from the quotas the independent countries of Central and South America, including Mexico and the Dominican Republic. Both countries currently are major sources of undocumented migration; however, the circumstances fostering each of these undocumented streams differ.

Table 1 summarizes key legislation that influences Latin American immigration today, beginning with the most recent comprehensive immigration law, the Immigration and Nationality Act of 1952 (INA). Although the INA retained the quota system that limited immigration from Eastern Europe (and that virtually precluded immigration from Asia and Africa), the legislation established the first preference system specifying skill criteria and imposed a worldwide ceiling. But in the wake of the civil rights movement, the 1965 amendments to INA dismantled the overtly racist quota system.

Two aspects of the new visa preference system are key for understanding contemporary Latin American immigration: the high priority accorded to family unification relative to labor qualifications; and the exemption of spouses, children, and parents of U.S. citizens from the country caps, which in effect favored groups exempted by the 1924 Immigration Act. This included Mexican Americans whose ancestors became citizens by treaty and the relatives of braceros who had settled throughout the Southwest during the heyday of the guest worker program; but over time, it came to include the relatives of newcomers who sponsored their relatives after naturalization. The termination of the Bracero Program coupled with the

extension of uniform country quotas for the Western Hemisphere in 1978 was particularly consequential for Mexico, with the predictable outcome that unauthorized migration climbed.

When an exodus from Cuba began in the aftermath of the Cuban revolution, the United States had not yet established a comprehensive refugee policy. Although not a signatory to the UN Refugee Convention or Protocol, and despite a highly unbalanced economic and political relationship with the United States, Cuba has influenced the development and execution of U.S. refugee policy in myriad ways. Cuban émigrés instantiated the ideological war between the United States and Castro's socialist regime, not only forcing the U.S. government to define its refugee policy, but also beginning a period of exceptions to official guidelines. The 1966 Cuban Adjustment Act (CAA) allows Cuban exiles to apply for permanent residence after residing in the United States for only one year. Unlike Haitians, Dominicans, or other Latin Americans, very few Cubans are repatriated if they land on U.S. soil, even if they enter through land borders.⁴

Cubans seeking asylum in the United States are the main Latin American beneficiaries of the 1980 Refugee Act, and they have enjoyed preferential admissions and generous resettlement assistance both before and since the 1980 Act.⁵ In response to a third major Cuban exodus during the mid-1990s, the U.S. government negotiated the Cuban Migration Agreement, which revised the CAA by establishing what became known as the "wet foot/dry foot" policy. By agreement, Cubans apprehended at sea (that is, with "wet feet") would be returned to Cuba (or a third country in cases of legitimate fears of persecution); those who successfully avoided the U.S. Coast Guard and landed on U.S. shores (with "dry feet") would be allowed to re-

Table 1

Major U.S. Legislation Concerning Latin American Immigration, 1952 – 2001

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Legislation	Date	Key Provisions
Immigration and Nationality Act (INA)	1952	Establishes the first preference system Retains national-origin quotas favoring Western Europe Imposes ceiling of 154K plus 2K from Asia-Pacific Triangle
Immigration Act (Amendments to INA)	1965	Repeals national-origin quotas Sets a maximum limit on immigration from the Western (120K) and Eastern (170K) Hemispheres Revises visa preference system to favor family reunification Establishes uniform per-country limit of 20K visas for the Eastern Hemisphere
Cuba Adjustment Act (CAA)	1966	Allows undocumented Cubans who have lived in the United States for at least one year to apply for permanent residence
Refugee Act	1980	Adopts UN protocol definition of <i>refugee</i> Creates systematic procedures for refugee admission Establishes resettlement procedures Eliminates refugees from the preference system Institutes the first asylum provision
Immigration Reform and Control Act (IRCA)	1986	Institutes employer sanctions for hiring undocumented immigrants Legalizes undocumented immigrants Increases border enforcement Establishes “wet foot/dry foot” policy
Cuban Migration Agreement (CMA)	1994 – 1995	Sets up a minimum of 20K visas annually Conducts in-country refugee processing
Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA)	1996	Strengthens border enforcement and raises penalties for unauthorized entry and smuggling Expands criteria for exclusion and deportation Initiates the employment verification pilot programs
Nicaraguan Adjustment and Central American Relief Act (NACARA)	1997	Legalizes Nicaraguans and Cubans; later legalizes ABC class members (Salvadorans and Guatemalans)
Temporary Protected Status (TPS)	1990 1998 2001	Grants temporary legal status to nationals of countries that experienced an armed conflict or a major natural disaster Granted to Salvadorans due to civil war (lasted 18 months) Granted to Hondurans and Nicaraguans due to damages caused by Hurricane Mitch (expires 2015) Granted to Salvadorans following an earthquake (expires 2013)

Source: Michael E. Fix and Jeffrey S. Passel, *Immigration and Immigrants: Setting the Record Straight* (Washington, D.C.: Urban Institute, 1994); Guillermina Jasso and Mark R. Rosenzweig, *The New Chosen People: Immigrants in the United States* (New York: Russell Sage Foundation, 1990); Ruth E. Wasem, *Cuban Migration to the United States: Policy and Trends* (Washington, D.C.: Congressional Research Service, 2009); Ruth E. Wasem, *U.S. Immigration Policy on Permanent Admissions* (Washington, D.C.: Congressional Research Service, 2010); and U.S. Department of Homeland Security, <http://www.dhs.gov/>.

main and, in accordance with the provisions of the 1966 CAA, would qualify for expedited legal permanent residence.⁶

A third major amendment to the INA, the 1986 Immigration Reform and Control Act (IRCA), in principle marks a shift in the focus of U.S. immigration policy toward a growing emphasis on enforcement. IRCA granted legal status to approximately 2.7 million persons residing unlawfully in the United States, including the special agricultural workers who only were required to prove part-year residence. Over 85 percent of the legalized population originated in Latin America, with about 70 percent from Mexico alone.⁷ The rapid growth of unauthorized immigration post-IRCA also led to increased enforcement efforts.

The 1996 Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA), which intensified fortification of the border, expanded criteria for deportation and made a half-hearted effort to strengthen interior enforcement through the employment verification pilot programs. More than a decade after IRCA, Congress approved another legalization program, the Nicaraguan Adjustment and Central American Relief Act (NACARA), which conferred legal permanent resident (LPR) status to registered asylees (and their dependents) from Nicaragua, Cuba, El Salvador, Guatemala, and nationals of former Soviet bloc countries (and their dependents) who had resided in the United States for at least five consecutive years before December 1, 1995. According to Donald Kerwin, executive director of the Center for Migration Studies, fewer than 70,000 asylees were legalized under NACARA through 2009; but in typical fashion, a patchwork of solutions for specific groups have been enacted since IRCA was passed in 1986.⁸

Finally, as part of its humanitarian goals, Congress also enacted legislation offering Temporary Protected Status (TPS) for

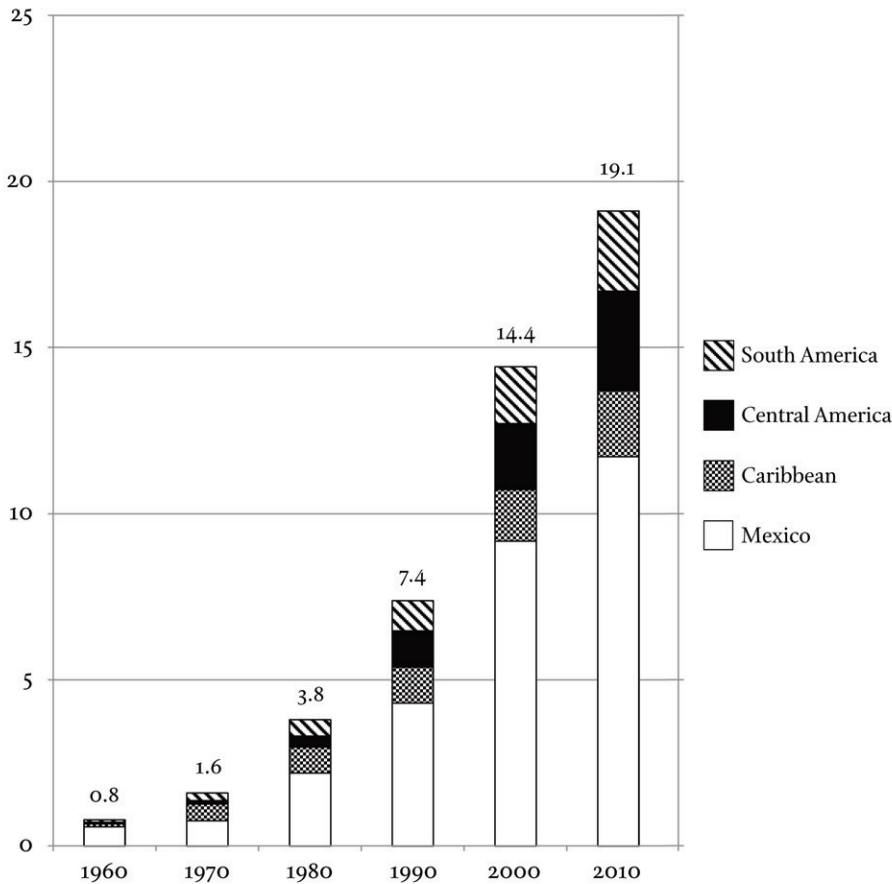
Central Americans displaced by civil wars or natural disasters. TPS is time-limited; does not offer a pathway to permanent resident status; and requires acts of Congress for extension.⁹ Once the period of protection expires, its beneficiaries are expected to return to their country of origin. Among those displaced by civil conflict, some claim political asylum while others lapse into unauthorized status along with the thousands denied asylum.

Collectively, the legislation summarized in Table 1 represents the major pathways to attain LPR status: namely, family unification, employer sponsorship, and humanitarian protections. Family reunification gives preference to prospective migrants from countries with longer immigration traditions, like Mexico, because they are more likely to have citizen relatives in the United States who can serve as sponsors; but over time this pathway has become more prominent as earlier arrivals naturalize in order to sponsor their relatives. With the exception of Argentineans during the 1960s and Colombians during the early 1970s, relatively few Latin American immigrants receive LPR status through employment preferences. Rather, the majority of Latin Americans recruited for employment enter as temporary workers or through clandestine channels. Neither unauthorized entry nor TPS provides a direct pathway to legal permanent residence, but they can evolve into indirect pathways via comprehensive (for example, IRCA) or targeted (for example, NACARA) amnesty programs. In the following section, we use the three pathways to illustrate how each differs for specific countries, and to identify the economic and political forces undergirding changes over time.

Figure 1 uses data from the decennial census to portray changes in the U.S. Latin American-born population from 1960 to 2010 by region of origin. The graphic rep-

Figure 1
 U.S. Foreign-Born Population (in millions) from Latin America, 1960 – 2010

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“Caribbean” includes Cuba and the Dominican Republic; “Central America” includes Guatemala, Honduras, El Salvador, Nicaragua, Costa Rica, and Panama; and “South America” includes Colombia, Venezuela, Ecuador, Peru, Chile, Brazil, Bolivia, and Paraguay. Source: Campbell Gibson and Kay Jung, “Historical Census Statistics on the Foreign-Born Population of the United States: 1850 – 2000,” Population Division Working Paper No. 81 (Washington, D.C.: U.S. Census Bureau, 2006); and American Community Survey, One-Year Estimates for 2010.

resentation reveals the regional-origin diversification that accompanied the twelfold increase in the Latin American-born population since 1970. Despite the continuing Mexican dominance among Latin American-born U.S. residents, flow diversification resulted in a more balanced subregional profile in 2010 compared with prior decades. The Caribbean share of Latin American immigrants peaked at 31 percent in 1970, fell to 20 percent in 1980,

and has remained at 10 percent since 2000. Over the last fifty years, the Central American share of all Latin American immigrants rose from about 6 percent in 1960 to around 16 percent since 1990, when about 12 percent of Latin American immigrants originated from South America.

Table 2 reports the major source countries that drove the changes reported in Figure 1. Only countries comprising at least 2 percent of the decade total Latin Amer-

Table 2
Largest Latin American-Born Populations (by percentage) in the United States, by Country of Origin, 1960–2010

	1960	1970	1980	1990	2000	2010
Mexico	(73.1)	(47.6)	(57.8)	(58.2)	(63.6)	(61.3)
Cuba	(10.0)	(27.5)	(16.0)	(10.0)	(6.1)	(6.3)
Argentina	(2.1)	(4.0)	(4.4)	(6.3)	(5.7)	(5.8)
Colombia						
Dominican Republic						
El Salvador						
Other Countries	(14.8)	(14.3)	(13.2)	(13.8)	(13.0)	(14.4)
N	788,068	1,597,481	3,801,351	7,385,479	14,418,576	19,115,077

Countries are presented in descending order for each year. Source: Campbell Gibson and Kay Jung, "Historical Census Statistics on the Foreign-Born Population of the United States: 1850–2000," Population Division Working Paper No. 81 (Washington, D.C.: U.S. Census Bureau, 2006); and American Community Survey, One-Year Estimates for 2010.

ican-born population are separately reported, which qualifies a maximum of six countries after 1970, but only three in 1960. Not surprisingly, Mexicans remain the dominant group throughout the period, but owing to large swings in immigrant flows from the Caribbean and Central America, the Mexican share fluctuated from a high of 73 percent in 1960 to a low of 48 percent in 1970. Cubans were the second largest group among the Latin American-born population through 2000, but their share varied from a high of 27 percent in 1970 to less than 6 percent in 2010, when Salvadorans edged out Cubans for second place.

The decade-specific profile of main source countries also reveals the ascendance of Colombians and Dominicans during the 1960s and 1970s, with Central Americans following during the 1980s. Although Argentina ranked among the top source countries during the 1960s and 1970s, when the United States benefited from the exodus of highly skilled professionals from that country, the “brain drain” was not sustained. Political repression and economic crises rekindled Argentinean emigration during the late 1970s, early 1980s, and again at the beginning of the twenty-first century, but Spain, Italy, and Israel were then the preferred destinations. Today, unlike Colombia, Argentina is not a major contributor to U.S. immigration.

The stock measures reported in Table 2 and Figure 1 portray the cumulative impact of immigration, but reflect immigration trends imperfectly because they conflate three components of change: new additions; temporary residents, including the beneficiaries of protection from deportation; and unauthorized residents. Thus, the foreign-born population based on census data overstates the immigrant population, which consists of persons granted LPR status in any given period, including ref-

ugees and asylees. Therefore, to explain the ebb and flow of Latin American immigration over the last half-century, we organize the remainder of this section around the three sources of immigrants: LPRs; refugees and asylees; and unauthorized migrants granted legal status.

Legal Permanent Residents. Table 3 reports the number of new LPRs from Latin America over the last five decades, with details for the major sending countries from the Caribbean, Mesoamerica, and South America. Since the 1960s, Latin Americans have made up about one-third of new LPRs, with the period share fluctuating between 31 percent during the 1970s to 41 percent during the 1990s. For each period there is high correspondence between the dominant foreign-stock population countries (Table 2) and the number of new LPRs admitted from those countries (Table 3); therefore, we use these nations to organize our discussion of specific streams.

Mexicans comprise the largest share of legal immigrants from Latin America, typically 40 to 45 percent per cohort except for the 1980s and 1990s, when the IRCA legalization was under way. The vast majority of Mexicans granted LPR status – 88 percent in fiscal year 2010, for example – are sponsored by U.S. relatives; less than 10 percent qualified under the employment preferences.¹⁰ Mexicans comprised nearly 60 percent of all new LPRs from Latin America during the 1980s and 1990s, in part due to the large number of status adjusters under IRCA. Moreover, Mexican immigration would have been higher in each decade if the family-sponsored preferences were not numerically capped. Along with Filipinos, Chinese, and Indians, Mexicans are greatly oversubscribed in the family-sponsored preference categories, and thus thousands of Mexican family members wait for years for their visa priority date. For example, in 2010 unmarried Mexican adult children sponsored by U.S. residents

Table 3
Number of Latin Americans (in thousands) Granted Legal Permanent Resident Status, 1961 – 2010

	1961 – 1970	1971 – 1980	1981 – 1990	1991 – 2000	2001 – 2010
Total (all countries)	3,321.7	4,493.3	7,338.1	9,095.4	10,501.0
Latin America (all countries)	1,077.0	1,395.3	2,863.6	3,759.8	3,746.1
Mexico	443.3	637.2	1,653.2	2,251.4	1,693.2
Caribbean					
Cuba	256.8	276.8	159.3	180.9	318.4
Dominican Republic	94.1	148.0	251.8	340.9	329.1
Central America					
El Salvador	15.0	34.4	214.6	217.4	252.8
Guatemala	15.4	25.6	87.9	103.1	160.7
Honduras	15.4	17.2	49.5	66.8	65.4
South America					
Colombia	70.3	77.6	124.4	131.0	251.3
Ecuador	37.0	50.2	56.0	76.4	112.5
Peru	18.6	29.1	64.4	105.7	145.7
Rest of Latin America	111.1	99.2	202.5	286.2	417.0

Source: For decades 1961 – 1970 and 1971 – 1980, *Statistical Abstract of the United States*, 1984; for decades 1981 – 1990, 1991 – 2000, and 2001 – 2010, *Yearbook of Immigration Statistics* from the years 1990, 1995, 2002, and 2010.

had waited eighteen years to receive their entry visa.¹¹

Colombia, Ecuador, and Peru are the major immigrant-sending nations from South America. Although their initial levels of immigration differ, all three countries witnessed gradual increases during the 1970s, but thereafter their immigration flows diverged. Colombia was the largest single source of immigrants from South America throughout the period. Stimulated by prolonged political instability, armed conflict, and drug violence amid sporadic economic downturns, Colombian emigration gained momentum over the latter half of the twentieth century. The early waves largely involved upper-class

professionals with the resources to flee, but as the internal armed conflict escalated, members of the working classes joined the exodus.¹² Legal immigration rose 60 percent between the 1970s and 1980s, and nearly doubled after 2000.

Ecuadorian immigration has trebled since 1961, rising from 37,000 during the 1960s to more than 110,000 during the most recent decade. Demand for Panama hats produced in the provinces of Azuay and Cañar triggered the early waves of Ecuadoran immigrants during the late 1950s, but deteriorating economic conditions augmented subsequent flows from these regions, which were facilitated by dense social networks established by ear-

lier waves.¹³ The collapse of oil prices in the 1980s combined with spiraling unemployment, wage erosion, and inflation rekindled emigration, which averaged 17,000 annually.

Following the collapse of the banking system in the late 1990s, emigration rose from approximately 30,000 annually between 1990 and 1997 to over 100,000 annually thereafter.¹⁴ However, Spain replaced the United States as a preferred destination during the 1990s, hosting nearly half of all Ecuadorian emigrants between 1996 and 2001 compared with about 27 percent destined for the United States.¹⁵ Hyperinflation and massive underemployment resulting from the 1987 structural adjustment measures also accelerated Peruvian out-migration during the 1990s, more than doubling the number of new Peruvian LPRs; but the Peruvian share of the Latin American-born population never reached 2 percent. Except for the modest dip between the 1960s and 1970s, immigration from the rest of Latin America mirrors the Peruvian trend: doubling between the 1970s and 1980s and then continuing on an upward spiral that has exceeded 400,000 since 2001 (Table 3).

Civil wars and political instability triggered the formidable influx of Salvadorans, Hondurans, and Guatemalans to the United States. Emigration from El Salvador, the smallest but most densely populated of the Central American republics, is particularly noteworthy because of the sheer numbers that received LPR status: more than 215,000 during the 1980s and an additional half-million over the next two decades. That thousands of Salvadorans arrived seeking asylum largely explains why their LPR numbers exceed the annual caps for several decades. Hundreds of thousands lapsed into undocumented status when they were denied asylee status, but a large majority of Salvadoran asylees successfully adjusted to LPR status under NACARA.

Like El Salvador, Guatemala witnessed prolonged civil conflict, which escalated after 1978 and initiated a mass exodus of asylum seekers during the 1980s and 1990s. Those who arrived before 1982 qualified for status adjustment under IRCA, but later arrivals did not. Although political instability is credited for the surge in Guatemalan immigration, sociologists Steven Alvarado and Douglas Massey claim that neither violence nor economic factors predicted the likelihood of out-migration; rather, they portray Guatemalan emigration as a household decision to diversify income streams by sending young, skilled members to join U.S. relatives. Their interpretation is consistent with sociologist Jacqueline Hagan's ethnographic account that chronicles how establishment of sister communities in U.S. cities enabled further migration via family unification.¹⁶ By 2010, Guatemalans became the fourth largest Latin American-born group in the United States. The increase in Guatemalan legal resident admissions since 2001 also reflects the status adjustments authorized by NACARA.

In contrast to Guatemala and El Salvador, the rise in Honduran immigration has been more gradual, except for the 1980s, when it nearly trebled compared to the prior decade. Unlike Nicaraguans, Salvadorans, and Guatemalans, Hondurans could not claim asylee status. Rather, skyrocketing poverty and unemployment during the 1980s and 1990s is responsible for the surge in emigration. In 1998, Hurricane Mitch aggravated the country's economic woes, leaving hundreds of thousands homeless. An estimated 66,000 Hondurans sought refuge in the United States and were granted TPS, which does not confer a path to legal permanent residence. Unless renewed in 2015, Hondurans granted TPS will join the unauthorized population, which, according to the Office of Immigration Statistics, rose from 160,000 to 330,000 be-

tween 2000 and 2010.¹⁷ Currently, family sponsorship is the main pathway to legal permanent residence for Hondurans, accounting for 85 percent of the recent LPRs.

The last major LPR flow since 1960 is from the Dominican Republic. This out-migration began in the wake of the political upheaval following dictator Trujillo's assassination in 1961; but even after the political scene stabilized, failed economic policies continued to fuel the flow. Since 1961, the number of new LPRs more than trebled, exceeding 330,000 during each of the last two decades. Despite modest economic growth during the 1990s and the revival of tourism, persistently high unemployment buttressed by deep social networks has maintained a steady exodus.¹⁸ Dominicans have been taking full advantage of the family unification provisions of the INA by sponsoring relatives; virtually all Dominicans granted LPR status in 2010 benefited from the family sponsorship provisions of the INA.¹⁹

Refugees and Asylees. By definition, refugee and asylee flows precipitated by political upheavals and natural disasters are unpredictable in both timing and size, but the impact they have on immigrant admissions also depends on the idiosyncratic application of U.S. immigration and refugee policy. Since 1960, Cubans have dominated the refugee flow from Latin America, but armed conflicts in Central America and Colombia as well as natural disasters have also contributed to the growth of humanitarian admissions in recent decades. The Cuban exodus has been highly unpredictable owing to barriers imposed by the Cuban government and the level of acrimony between Havana and Washington.

Cuban emigration began shortly after Fidel Castro took up the reins of the island nation. By 1974, 650,000 Cubans had left for the United States.²⁰ Dubbed the "golden exile" because the vast majority

of the first-wave migrants were professionals, entrepreneurs, and landowners, Cuban émigrés were granted visa waivers and parolee status, and were offered a range of services to facilitate their labor market integration, including certification of professional credentials, a college loan program, and bilingual education.²¹ Partly because they were fleeing a socialist state and partly because they did not fit the UN definitions of *refugee*, Cubans enjoyed a privileged position among the U.S. foreign-born population. Indeed, the 1966 CAA put Cubans on a fast track to citizenship.

A second major exodus occurred in April 1980, when the Cuban government opened the port of Mariel to anyone who wanted to leave, including prisoners and lunatics. About 125,000 "Marielitos" arrived on U.S. shores in a few short months, joined by 35,000 Haitians.²² Although Marielitos did not formally qualify as refugees according to the guidelines of the newly enacted Refugee Act and were technically ineligible for federal funds, they were accorded refugee status by congressional decree, illustrating yet again the idiosyncratic application of U.S. immigration law.

A third migration wave occurred in the mid-1990s, when the Cuban government lifted the ban on departures. Rather than extend the welcome gangplank as in prior years, the U.S. government interdicted Cuban fugitives attempting to circumvent legal immigration channels and returned them to Guantánamo. Within a year, 33,000 Cubans were encamped at Guantánamo, but in yet another predictable exception to immigration law, the majority were paroled and granted LPR status.²³ Although accompanied with less media fanfare than the 1980 Mariel boatlift, the largest number of Cubans to arrive in a single decade came after 2001; since that date, nearly 320,000 Cubans have been granted LPR status. Under the provisions of the wet foot/dry foot agreement,

Cubans interdicted at sea or apprehended on land are deportable; but in practice very few are returned because they are entitled to request asylum, and most do so.

Central Americans and Colombians also have used the humanitarian pathway to acquire legal permanent residence, albeit with far less success than Cubans. Salvadoran and Guatemalan asylee approval rates were less than 3 percent between 1983 and 1990 compared with 25 percent for Nicaraguans.²⁴ Alleging discrimination against Central Americans, religious organizations and immigrant rights advocates filed a class action lawsuit on their behalf, *American Baptist Churches v. Thornburgh*. As part of the 1991 settlement, Congress allowed Central Americans who had been denied asylum to reapply for review, and they achieved much higher success rates. However, the 1996 IIRIRA made the asylum rules even more difficult by adding provisions to resettle asylum seekers to third countries; by requiring asylees to file applications within a year of arrival in the United States; by precluding appeals to denied applications; and by imposing high processing fees. After 1997, the class members in *American Baptist Churches v. Thornburgh* were allowed to adjust their status through NACARA; as a result, approval rates grew to over 95 percent.²⁵

Two major natural disasters rekindled asylees from Central America at the turn of the twenty-first century, when Hurricane Mitch (1998) displaced thousands of Nicaraguans and Hondurans, and a massive earthquake (2001) left more than a million Salvadorans homeless. Drawn by a sizable expatriate community, thousands of displaced Salvadorans made their way to the United States. In a humanitarian gesture, Congress granted TPS to Salvadorans residing in the United States as of 2001, and it has renewed the protection several times. As of 2010, more than 300,000 individuals – 70,000 Hondurans, 3,500 Nicaraguans,

and 229,000 Salvadorans – had benefited from TPS.²⁶ The status protections accorded to the victims of Hurricane Mitch and the Salvadoran earthquake are set to expire in 2015 and 2013, respectively. In the current political climate, it is uncertain whether these temporary protections will be extended; if they are not, many will probably join millions of others as undocumented residents.

Unauthorized Migration. The growth of undocumented immigration since 1960 is not only a distinctive feature of the current wave of mass migration, but also a direct consequence of selective enforcement of U.S. immigration laws. As of March 2010, an estimated 11 million undocumented immigrants resided in the United States, down from a peak of nearly 12 million in 2007, but 29 percent higher than the 2000 estimate of 8.5 million.²⁷ Latin Americans make up over three-fourths of undocumented residents, with 60 percent from Mexico alone. The collapse of the housing and construction industries during the great recession fostered the first significant decline in the size of the undocumented population, reversing two decades of continuous growth. Removals from Latin America since 2001 more than quadrupled relative to the prior decade, which partly explains the shrinking unauthorized population, albeit less than changes in labor demand.

Several factors have fueled the growth of unauthorized migration from Latin America, beginning with the abrupt termination of the Bracero Program in 1964, following a 22-year period during which U.S. growers became dependent on pliable Mexican labor. In some ways, the 1965 amendments to the INA constructed an illegal immigration system by default because the disproportionate focus on family visas gave short shrift to labor needs; because the Texas proviso protected employers who willfully hired undocumented

workers until IRCA imposed employer sanctions; and because the cap on family visas (except for immediate family members of U.S. citizens) produced long wait lists for countries with established immigration traditions. Furthermore, the integration of separate hemispheric ceilings into a single worldwide total in 1978 dramatically curtailed the number of visas available to Mexico, the largest single sending nation. As occurred when the Bracero Program ended, unauthorized entry provided an alternative pathway to the United States, one greatly facilitated by the existence of strong social networks that were fortified over decades of relatively unrestricted migration.

Finally, decades of lax and inconsistent enforcement enabled millions of persons to enter without inspection, while shoddy monitoring of temporary visitors permitted hundreds of thousands of legal entrants to overstay their visas. Since 1986, however, U.S. immigration policy has been dominated by a growing emphasis on border enforcement, with heightened penalties for persons who enter without authorization as well as for non-immigrants who remain in the country after their visas expire. Because IRCA's employer sanctions provisions were never seriously enforced, unauthorized immigration rose during the 1990s, when the housing and construction industries – both dominated by unskilled workers – expanded. Weak interior enforcement basically left in place the lynchpin of unauthorized migration, namely, employers' ability to hire unauthorized foreign workers essentially without reprisal.

Even as IRCA's comprehensive amnesty program was winding down, unauthorized migration was on the rise. In fact, during the 1990s, between 70 and 80 percent of all new migrants from Mexico were undocumented, and this share rose to 85 percent between 2000 and 2004.²⁸ In a feeble

attempt to reduce employment of unauthorized workers, the 1996 IIRIRA authorized three pilot programs to verify employment eligibility, but it protected employers from fines for declared "good faith" efforts to comply with verification requirements. Not surprisingly, IIRIRA did little to restrict the unauthorized flow from Latin America because interior enforcement remained weak; because the social networks sustaining the flows were already very deeply entrenched; and because the people-smuggling networks and fraudulent-document industries developed new avenues to circumvent the laws.

Migration is part of a multiphase demographic response to unequally distributed social and economic opportunities that is simultaneously determined by micro- and macro-level forces. Many of these forces cannot be predicted, such as sudden flows triggered by civil wars or natural disasters, nor can they be rigorously managed through policy measures, as demonstrated by the failure to seal the U.S.-Mexico border. Like most nations with long immigration traditions, the United States strives to balance economic, social, and humanitarian goals through its admission preferences while also ensuring compliance with the laws. But an appraisal of Latin American immigration exposes numerous instances where extant laws have been systematically disregarded or applied in a capricious or discriminatory manner. Striking examples include the preferential treatment accorded to Cuban émigrés compared with Haitians who arrive on U.S. shores in similar situations; the explicit protection of employers who hire unauthorized workers by not holding them accountable for violating the law; and differential treatment of asylum applicants according to national origin. Fairness is not a defining feature of U.S. immigration policy toward Latin Americans.

Historically and in the present, Latin American immigration has afforded the United States myriad economic benefits, including lower prices for goods produced in industries that employ immigrant workers, increased demand for U.S. products, and higher wages and employment for domestic workers. That new immigrants accounted for half of the growth in the labor force during the 1990s added significantly to the economic prosperity enjoyed by average Americans. Nevertheless, it is doubtful that the current admission criteria that favor family unification over employment needs are well aligned with future economic needs of an aging nation. Suggestions to adjust employment visas with fluctuations in labor needs, while intuitively compelling, ignore that two-thirds of U.S. immigrants enter under family preferences and that the momentum for future flows is already baked into the system in the form of visa backlogs for Mexicans and others. Beyond immediate family relatives of U.S. citizens, however, it is worth reconsidering the social and economic value of maintaining the extended family preferences, which have become a key driver of Dominican and Salvadoran immigration in recent years.

Notwithstanding the visa backlogs for family-sponsored relatives of Mexicans, there is some evidence that net migration from Mexico has slowed and may have even reversed.²⁹ Bleak job prospects following the great recession are a key reason for the slowdown, but record high deportations under the Obama administration, a militarized border, and stepped up interior enforcement are contributing factors. Whether this slowdown in Mexican migration is a temporary blip or the beginning of a long-term reversal is yet unclear, and likely will depend on both the future pace of the U.S. recovery from the recession as well as the Mexican government's success in sustaining economic

growth and dealing with its plague of drug-related violence. Lower fertility throughout Latin America also portends less surplus labor in the years to come.

Equally uncertain are the integration prospects of Latin American immigrants and their offspring. The rise of anti-immigrant sentiment in response to an unprecedented geographic dispersal of Latin American immigrants highlights the formidable integration challenges facing the nation – challenges that can thwart economic prospects in the years ahead while also fomenting ethnic conflict. Several worrisome trends warrant consideration. The recent Supreme Court decision upholding a state's right to empower local police to check the immigration status of anyone suspected of being in the country illegally bodes ill for the integration of Latin American immigrants, particularly those with indigenous roots who pose ready targets for racial profiling.

Another concern is the persistent achievement gap between the offspring of Latin American immigrants and their American-born counterparts. After the year 2000, births outpaced immigration as a component of Hispanic population growth in the United States; this fact underscores the urgency of closing the education gap so that the children of Latin American immigrants can become productive replacement workers for the aging white majority. Recent trends are not encouraging, however. State and local governments have gouged education budgets in the interest of fiscal restraint, which not only reduces educational investments in future workers – large majorities of them children of immigrants – but also compromises the nation's competitive advantage over the medium and long term.

Finally, the unresolved status of 11 million unauthorized immigrants – of which three-quarters are from Latin America – remains a thorny social, political, and

moral issue. Legal status profoundly affects prospects for economic and social mobility. Economists Sherrie Kossoudji and Deborah Cobb-Clark estimated wage penalties for unauthorized status at 14 to 24 percent, and they find a benefit of legalization of 6 percent.³⁰ This represents a formidable economic stimulus that can generate substantial multiplier effects via consumption. Our review of Latin American immigration reveals that thousands have benefited

from status adjustments through several group-specific congressional acts. In the interest of transparency and uniformity in the application of immigration laws, a blanket amnesty will advance U.S. economic interests while promoting social cohesion. Another blanket amnesty will go a long way toward aligning our liberal democracy with the realities of Latin American immigration.

ENDNOTES

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- ¹ Campbell Gibson and Kay Jung, "Historical Census Statistics on the Foreign-Born Population of the United States: 1850 – 2000," Population Division Working Paper No. 81 (Washington, D.C.: U.S. Census Bureau, 2006). The 2010 estimate is our calculation based on the American Community Survey.
 - ² Rubén D. Rumbaut, "The Hispanic Prologue," in *A Hispanic Look at the Bicentennial*, ed. David Cardús (Houston: Institute of Hispanic Culture of Houston, 1978), 5 – 22.
 - ³ Ruth E. Wasem, *U.S. Immigration Policy on Permanent Admissions* (Washington, D.C.: Congressional Research Service, 2010), Figure 4.
 - ⁴ Ruth E. Wasem, *Cuban Migration to the United States: Policy and Trends* (Washington, D.C.: Congressional Research Service, 2009). The difference between asylees and refugees is their physical location when requesting protection: asylees apply after arriving in the United States whereas refugees apply from abroad, often a third country, and request resettlement in the United States.
 - ⁵ The current annual ceiling for refugee admissions is 80,000 per year, with 5,500 allocated for Latin America and the Caribbean. See Daniel C. Martin and James E. Yankay, *Refugees and Asylees: 2011* (Washington, D.C.: Office of Immigration Statistics, U.S. Department of Homeland Security, 2012).
 - ⁶ Furthermore, in an effort to discourage random surges in Cuban migration, the U.S. government set aside a minimum of 20,000 visas (excluding the immediate relatives of U.S. citizens) for Cubans seeking to immigrate and instituted a "visa lottery" to allocate the visas.
 - ⁷ Marta Tienda, George J. Borjas, Hector Cordero-Guzman, Kristin Neuman, and Manuela Romero, "The Demography of Legalization: Insights from Administrative Records of Legalized Aliens," Final Report to the Assistant Secretary for Planning and Evaluation of the Department of Health and Human Services (Chicago: Population Research Center, University of Chicago, September 1991).

- ⁸ See Donald M. Kerwin, *More than IRCA: U.S. Legalization Programs and the Current Policy Debate* (Washington, D.C.: Migration Policy Institute, December 2010). Unlike IRCA, which was a comprehensive program, NACARA and other population-specific programs receive less media attention.
- ⁹ Ruth E. Wasem and Karma Ester, *Temporary Protected Status: Current Immigration Policy and Issues* (Washington, D.C.: Congressional Research Service, 2010).
- ¹⁰ Office of Immigration Statistics, *Yearbook of Immigration Statistics: 2010* (Washington, D.C.: U.S. Department of Homeland Security, 2011), Table 10.
- ¹¹ Wasem, *U.S. Immigration Policy on Permanent Admissions*, Table 4.
- ¹² Alexandria Murnan, "Colombian Immigrants," in *Encyclopedia of Immigration*, 2011; available at <http://immigration-online.org/441-colombian-immigrants.html> (accessed July 6, 2011).
- ¹³ Brad Jokisch and David Kyle, "Las transformaciones de la migración transnacional del Ecuador, 1993 – 2003," in *La Migración Ecuatoriana Transnacionalismo, Redes e Identidades*, ed. Gioconda Herrera, Maria Cristina Carillo, and Alicia Torres (Quito, Ecuador: FLACSO, Plan Migración, Comunicación y Desarrollo, 2005), 57 – 70; Brad Jokisch, "Ecuador: Diversity in Migration," in *Migration Information Source* (Washington, D.C.: Migration Policy Institute, 2007), <http://www.migrationinformation.org/feature/display.cfm?ID=575> (accessed May 1, 2012).
- ¹⁴ Franklin Ramírez Gallegos and Jacques Paul Ramírez, *La Estampida Migratoria Ecuatoriana: Crisis, Redes Transnacionales y Repertorios de Acción Migratoria* (Quito, Ecuador: UNESCO, CIUDAD: Centro de Investigaciones, 2005), 41 – 42.
- ¹⁵ Brian Gratton, "Ecuadorians in the United States and Spain: History, Gender and Niche Formation," *Journal of Ethnic and Migration Studies* 33 (4) (2007): 581 – 599.
- ¹⁶ Steven E. Alvarado and Douglas S. Massey, "In Search of Peace: Structural Adjustment, Violence, and International Migration," *Annals of the American Academy of Political and Social Science* 630 (1) (2010): 137 – 161; Jacqueline M. Hagan, *Deciding to be Legal: A Maya Community in Houston* (Philadelphia: Temple University Press, 1994).
- ¹⁷ Michael Hofer, Nancy Rytina, and Bryan C. Baker, *Estimates of the Unauthorized Immigrant Population Residing in the United States: January 2010* (Washington, D.C.: Office of Immigration Statistics, U.S. Department of Homeland Security, 2011).
- ¹⁸ Ramona Hernández, *The Mobility of Workers under Advanced Capitalism: Dominican Migration to the United States* (New York: Columbia University Press, 2002); Peggy Levitt, "Dominican Republic," in *The New Americans: A Guide to Immigration since 1965*, ed. Mary C. Waters and Reed Ueda (Cambridge, Mass.: Harvard University Press, 2007), 399 – 411.
- ¹⁹ *Yearbook of Immigration Statistics: 2010*, Table 10.
- ²⁰ Alejandro Portes and Robert L. Bach, *Latin Journey: Cuban and Mexican Immigrants in the United States* (Berkeley: University of California Press, 1985); Rubén D. Rumbaut and Rubén G. Rumbaut, "The Family in Exile: Cuban Expatriates in the United States," *American Journal of Psychiatry* 133 (4) (1976): 395 – 399.
- ²¹ Portes and Bach, *Latin Journey*, 86.
- ²² Lisandro Perez, "Cuba," in *The New Americans*, ed. Waters and Ueda, 386 – 398.
- ²³ *Ibid.*; and Wasem, *Cuban Migration to the United States*.
- ²⁴ Sarah J. Mahler, *American Dreaming: Immigrant Life on the Margins* (Princeton, N.J.: Princeton University Press, 1995), 174.
- ²⁵ Susan B. Coutin, "Falling Outside: Excavating the History of Central American Asylum Seekers," *Law & Social Inquiry* 36 (3) (2011): 585.
- ²⁶ Wasem and Ester, *Temporary Protected Status*.

²⁷ Hoefler et al., *Estimates of the Unauthorized Immigrant Population Residing in the United States*, Table 3.

²⁸ Jeffrey Passel, “Estimates of the Size and Characteristics of the Undocumented Population” (Washington, D.C.: Pew Research Hispanic Center, 2005), <http://www.pewhispanic.org/2005/03/21/estimates-of-the-size-and-characteristics-of-the-undocumented-population/> (accessed July 10, 2012).

²⁹ Jeffrey Passel, D’Vera Cohn, and Ana Gonzalez-Barrera, “Net Migration from Mexico Falls to Zero – and Perhaps Less” (Washington, D.C.: Pew Research Hispanic Center, 2012), <http://www.pewhispanic.org/2012/04/23/net-migration-from-mexico-falls-to-zero-and-perhaps-less/> (accessed July 5, 2012).

³⁰ Sherrie Kossoudji and Deborah A. Cobb-Clark, “Coming Out of the Shadows: Learning about Legal Status and Wages from the Legalized Population,” *Journal of Labor Economics* 20 (3) (2002): 598 – 628.

Why Asian Americans are Becoming Mainstream

Victor Nee & Hilary Holbrow

Abstract: In contrast to earlier waves of immigration, the post-1965 Asian immigration to the United States has not spawned an exclusionist backlash among native whites. Rather, the new Asian immigrants and their children are rapidly gaining access to the American mainstream. Whether in integrated residential communities, in colleges and universities, or in mainstream workplaces, Asian Americans' presence is ever more the rule, not the exception. The success of so many Asian American immigrants suggests that race may not be as decisive a factor in shaping socioeconomic attainment as it was in the American past; civil rights reform has been incorporated in a more inclusive American mainstream. As a group in which those of legal status predominate, Asian Americans have enjoyed more open access to mainstream institutions, paving the way to their rapid assimilation.

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U ntil 1965, immigration from Asia served as the crucible for a politics of exclusion that involved both the legal framework and a social consensus backing a national-origin quota for immigration. In the mid-nineteenth century, the arrival of a sizable Chinese population in communities across the western states provoked widespread nativist sentiment and anti-Chinese hostility. Competition in labor markets spurred union-led protests and violent demands for the government to restrict Chinese immigration. The subsequent passage of the Chinese Exclusion Act of 1882 effectively ended immigration from China, while Chinese residing in America were barred from naturalized citizenship. Japanese immigration to the West Coast, which followed the exclusion of Chinese laborers, incited similar mobilization of nativist sentiment and legislative politics, culminating in the Immigration Act of 1924. This legislation limited free immigration to the United States to those from Northern and Western Europe, with restrictive quotas set for Southern and Eastern Europeans. Immigration

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from Asia was closed down, and the rule of exclusion extended to a wide range of discriminatory legislation in the western states designed to drive Asians into racially segregated enclaves.

It took the emergence of a new political consensus born in the civil rights movement for the federal government to enact the watershed legislation that guided institutional change and extended equal rights and opportunities to nonwhite Americans. This civil rights legislation affirmed principles of open access to political and economic institutions for all Americans, regardless of race and gender. Concomitantly, Congress passed with bipartisan support the Immigration Act of 1965, an international counterpart to the far-reaching Civil Rights Act of 1964 and Voting Rights Act of 1965. The Immigration Act repealed national-origin rules and opened legal immigration to all countries.

Once legal immigration was open to all countries, documented entry was then directly connected with access to inclusive political and economic institutions. Immigrants with appropriate visa documents could enter the United States as permanent residents and, through a sequential transition culminating in approved application for naturalized citizenship, could gain access to mainstream American institutions.

In combination, these sweeping legal changes have reshaped American society. Though not anticipated by political elites in the 1960s, the new immigration law opened the way for mass immigration from Asia, and as a very unintended consequence, from Latin America as well. And in light of the rapidly changing demographic composition of the American population, immigration is once again inspiring national debate. There is again a rising tide of nativist backlash, especially in the states that share borders with Mex-

ico. The debate has focused on the new immigration from Latin America, the region sending the largest flow of immigrants, many of them unauthorized.¹

High-volume Asian immigration to the United States has now been continuous for nearly a half-century, constituting the longest lasting legal immigration from Asia in American history. In an exponential increase over the 1970 census count of 1.5 million, Asian Americans grew to exceed 17.2 million by 2010, making up 5.6 percent of the U.S. population.² This rapid increase is primarily due to continuous and now accelerating immigration, such that in 2010, foreign-born Asians outnumbered native-born Asian Americans by a ratio of two to one. Since 2008, 40 percent of new immigrants are Asian, up from 27 percent of new arrivals before 2005.³ If present population trends continue, the Asian American population has been estimated to grow to around 9.2 percent of the American population by 2050.⁴

Unlike previous waves of the nineteenth and early twentieth centuries, the new Asian immigration has not spawned reactive nativist social movements and politics demanding the exclusion of Asians. Rather, Asian immigrants and the second generation are assimilating into the American mainstream more rapidly than earlier immigrants to the United States.⁵ Whether in integrated residential communities, in colleges and universities, or in mainstream workplaces, Asian Americans' presence is ever more the rule than the exception. What accounts for their success?

It is commonplace to portray Asian Americans as a model minority. Sociological accounts of Japanese American assimilation, for example, emphasize that through acculturation, the *nisei* second generation adopted the cultural attri-

butes of the Anglo Protestant majority group, which then led to their assimilation into the American mainstream after World War II.⁶ During that war, Japanese Americans responded to racial prejudice and internment by exemplifying the American creed, evidenced in the patriotism and sacrifice of *nisei* soldiers on the battlefields of Europe. Retelling a variant of the model minority story for the new Asian immigration relies on a ready-made conceptual template identifying group-level attributes that enable the group's acceptance and entry into the mainstream.⁷ Various accounts invoke "Asian values" such as a reverence for learning, emphasis on the family, or dedication to hard work as the explanation for Asian Americans' high levels of educational and professional attainment.

What is overlooked in model minority accounts and in narratives of discrimination is the fact that institutional mechanisms – the forces that set the rules of the game – play a significant role in explaining differential patterns of socioeconomic attainment and assimilation of immigrants and their children. In light of the long history of racial discrimination and exclusion of Asians, it took the institutional changes of the civil rights era to restart high-volume immigration from Asia, and to extend legal rights to all Americans. This has enabled and motivated the economic and social assimilation of Asian immigrants and their children.⁸

Although Asian immigrants include many different national-origin, cultural, and ethnic groups with considerable socioeconomic diversity, a shared distinguishing feature of new immigrants from Asia is that they have overwhelmingly entered through legal channels. Only an estimated 8 percent are undocumented, in sharp contrast to nearly 43 percent of the foreign-born from the Americas.⁹ A geographical explanation is more plausible than a

model minority account – it's much harder to cross the ocean than to walk across a border. Accordingly, formal rules governing immigration have played a far greater role in shaping the flow of Asian immigrants and their subsequent experience than has been the case for immigration from Mexico and Central America. While immigration law specifies the initial selection mechanisms, entry through formal channels also provides immigrants with the benefits and protection of equality of rights and other civil laws.

In a democratic polity governed by the rule of law, legal equality matters not only *because of*, but also *despite* the persistence of racial prejudice embedded in cultural beliefs, informal norms, social networks, and organizations.¹⁰ This is because the rule of law is widely accepted and supported as a bedrock assumption by ordinary Americans, despite frequent outbursts of partisan politics and contentious differences over the content of specific laws. Although most Americans may not have agreed with the content of congressional civil rights legislation, once those initiatives were enacted as law, institutional mechanisms implemented the changes over time and worked them into the American mainstream.

A centerpiece of the civil rights era legislative struggle was the passage of Title VII of the 1964 Civil Rights Act, which specified the rules of equal employment opportunity to address institutionalized discrimination in the workplace against women and minorities. The law was the product of a protracted battle by committed social activists that sought equal treatment in the American mainstream – in education, public accommodation, government programs, politics, and other domains of civic life.¹¹ Through a process of cumulative causation, a long-term battle for equal employment opportunity induced changes in cultural beliefs that

led to greater corporate and public acceptance of these laws. Though racial and gender stereotypes persist and can influence hiring decisions, a self-reinforcing compliance with Title VII in corporations, public agencies, and nonprofit organizations has helped open mainstream institutions to women and minorities.¹²

Studies that contrast differential patterns of socioeconomic attainment and outcomes of assimilation without taking into account the relative proportion of documented and undocumented newcomers in an immigrant group confound the persistent influence of legal – or illegal – status with the putative effects of discrimination and cultural difference. Causal factors that influence mode of incorporation are both complex and subtle in the manner they interact and combine to shape the economic and social assimilation of immigrants. But in and of itself, legal – or illegal – status clearly has potentially far-reaching effects on incorporation into U.S. society.

Whereas immigrants who enter the United States through legal channels benefit from the civil rights era legislation that extends to racial minorities equal rights and formal access to economic and social institutions of the American mainstream, undocumented immigrants do not benefit from the same open access to these institutions. They are significantly disadvantaged in this and other respects.

First of all, in illegal entry, the de facto selection mechanism recruits labor migrants particularly likely to have low levels of formal schooling and skill. Professional and technical immigrants with university education are unlikely candidates for entry without a proper visa, for they would not be able to find more gainful employment without documentation in the United States than what they could find in their native society. This is not the

case for unskilled laborers with little formal education. Such workers do not risk lower returns on their human capital through undocumented border crossing.¹³ But low-skilled immigrants face particular difficulties in America's twenty-first-century knowledge-based economy, with far-reaching implications for inequality.¹⁴

Second, illegal border entry leaves immigrants vulnerable to exploitation in informal labor markets, where they can become locked into dead-end and irregular jobs.¹⁵ Undocumented immigrants typically try to avoid contact with mainstream political and economic institutions and instead concentrate in unregulated labor markets, controlled by co-ethnic labor contractors, in order to lower the risk of discovery by authorities. Accordingly, the wage growth for illegal immigrants is low compared to that for natives or legal immigrants.¹⁶ Furthermore, undocumented immigrants lack the access to legal recourse that documented immigrants possess.

Third, the many disadvantages that come with undocumented status are inevitably passed on by immigrant parents to their children, adversely influencing the second generation's prospects for schooling and assimilation.¹⁷ Not only do the children of poorly educated parents start out their lives at relative disadvantage compared to most Americans, but even in households with greater cultural capital, the constant danger of deportation disrupts children's school and family life. Further, parents' immigration status may block the children's access to public institutions and resources useful to their education and well-being. Children of unauthorized immigrants are much more likely to live in poverty, and less likely to have health insurance, for example, than children of documented immigrants and the native born.¹⁸ Illegal entry thus has a long-lasting

influence on the second-generation children.

Lastly, a very high ratio of undocumented immigration casts a long shadow of illegitimacy and stigma on even legal immigrants of the same ethnicity.¹⁹ Although more than 1 million illegal immigrants from China, the Philippines, India, South Korea, and Vietnam also contribute to the Asian immigrant population of more than 17.2 million, the great majority of Asian newcomers enter the United States as legal immigrants, and they define the dominant profile of Asian immigration.²⁰ Suppose the opposite were true, and undocumented Asian immigrants by far exceeded the number of legal immigrants. This scenario would suggest a very different profile for the immigrant group – in terms of public perception, in terms of immigrant characteristics, and in terms of opportunity in American society.

Asian Americans are the most educated ethnic group in the United States, with mean education levels that have risen rapidly over the past decades. In the 1970 census, 20 percent of Asian Americans reported that they had earned college degrees, but by the 2010 census, the college educated rose to 52 percent, including both native and foreign born.²¹ This rise is even sharper than that for native-born whites, and demonstrates the scale and impact of human capital immigrants from Asia after 1965.²² Of these new immigrants, Asian Indians are the best educated, with a remarkable 70 percent of the first generation being university educated. Chinese, Korean, Japanese, and Filipino immigrants also stand out with college graduation rates at around 50 percent, still well above the U.S. mean.²³ The trend in recent years is toward still higher levels of education among new arrivals, with a full 61 percent

of recent Asian immigrants holding bachelor's degrees.²⁴

These remarkably high levels spring from the selectivity and incentives embedded in the rules, guidelines, and priorities of U.S. immigration laws, as well as the allure of an advanced degree in the United States. None of the Asian societies contributing to the flow of immigrants have anything close to the percentage of professional and technical workers with college and postgraduate education as foreign-born Asians in the United States. Many of the best educated, best prepared, and most motivated from these countries choose to come to America because of opportunities secured by equal opportunity laws and the sequential process of work permissions, green cards, and naturalization that grants immigrants the benefits of these legal protections. Outside the framework of legal immigration and the normative regime emerging from the civil rights movement, such high levels of educated immigrants would be unthinkable.

Although Asian Americans make up only 5.5 percent of the workforce, they are disproportionately concentrated in the core technological occupations, where there is a persistent shortage of skilled labor.²⁵ It is commonplace for high-tech firms to recruit skilled workers and engineers from the Asian foreign-student population in American universities. These workers are vital to the high-tech sectors where America's innovative edge creates an advantage in the global economy; high-tech industry leaders and research universities constantly lobby for legislation that will enable a high flow of human capital immigrants to meet this demand.

Asian immigrants are not just valuable employees – they are also job creators. Michael Bloomberg, the mayor of New York City, called for bipartisan support in

the presidential election season for new legislation to make it easier for immigrants to secure visas. He underscored the selectivity for entrepreneurial talent linked to immigration, pointing to a new study showing that immigrant entrepreneurs start up 28 percent of new firms in the United States, which employ one in ten workers in the American economy.²⁶ Asian entrepreneurs are an important contributor to this total. For example, in Silicon Valley, 17 percent of the high-tech start-up firms in the last two decades of the twentieth century were led by Chinese immigrant entrepreneurs.²⁷

One comparative advantage of immigrant entrepreneurs in high-tech startups is that they typically have business know-how and strategic connections in their homeland as well as in the United States.²⁸ Chinese and Indian immigrant entrepreneurs in Silicon Valley are brokers who occupy “structural holes,” bridging gaps between independent regional clusters of resources and markets.²⁹ Their language competencies, cultural capital, and transnational-network ties enable immigrant entrepreneurs to function as “visible hands” in the globalization of the knowledge-based economy.

The professional attainments and educational backgrounds of many Asian immigrants provide the second generation with a head start in socioeconomic attainment and assimilation.³⁰ As parents, they have high educational expectations for their American-born children, and their high socioeconomic status means that lateral mobility suffices for their children to achieve higher mean educational attainment than non-Hispanic whites. Not surprisingly, second-generation Asian Indian and Chinese human capital immigrants are overrepresented in selective colleges and universities, where they accumulate the cultural capital and network ties that fast-track

their assimilation into the American mainstream.³¹

Further, within many Asian ethnic communities, the sheer volume of human capital immigration has a spillover effect in the high educational expectations of immigrant parents with less formal education.³² When the ethnic community is well-educated on the whole and when undocumented immigrants are a small proportion of the overall immigrant group, random interactions with coethnics are more likely to yield information identifying open-access pathways to legitimate opportunities for their native-born children.³³

For example, while 50 percent of Chinese immigrants have earned at least a bachelor’s degree, over 17 percent lack high school diplomas, showing a subgroup of poor, and in some cases illegal, working-class immigrants. By the second generation, however, Chinese Americans are among the best educated of the Asian ethnic groups, with 61.5 percent of U.S.-born Chinese completing college education.³⁴ A study of the immigrant second generation in New York City reports that working-class Chinese parents in Chinatown, where undocumented immigrants generally reside, have been surprisingly effective in placing their American-born children in good public schools.³⁵

These young people – the American-born children of post-1965 immigrants – are coming of age. They and the generation of Asian Americans who came to America as children (generation one-and-a-half) are entering the workforce in ever-larger numbers, well positioned to meet the growing demand for skilled and professional workers in the U.S. knowledge-based economy.³⁶ Relatively few are taking the low-skilled service jobs where their immigrant parents sometimes found employment. In New York City, the children of Chinese immigrants

for the most part are not in the low-status jobs in Chinatown.³⁷ Instead, with native-English language competence and cultural capital, second-generation Asian Americans are moving into occupational fields outside the tech industry, where Asians have historically been underrepresented, including law, media and arts, community services, and even the military. Although Asian American representation in these occupational fields – except for media and the arts – remains lower than the overall Asian share of the workforce, the native-born Asian population is significantly overrepresented in these sectors.³⁸

The rapid integration of the second generation clearly shows an American mainstream where institutions have become more inclusive. In the post-civil rights era, cultural beliefs and norms supporting diversity in workplaces are becoming self-reinforcing expectations. Analysis of earnings likewise demonstrates the far-reaching effects of institutional change on employment and the economy. In the 1950s, U.S.-born Japanese American and Chinese American men respectively earned 37 percent and 44 percent less than comparable native whites.³⁹ Today, this historical earnings gap has all but vanished. In part because many Asian Americans work in highly remunerative fields, native-born Asians from the largest ethnic groups earn incomes that surpass those of whites. This is not only an artifact of Asians' high educational achievement, but also a reflection of the vast progress toward equal pay for equal work guaranteed under the law. In sharp contrast to the 1950s, native-born Asians' incomes are at parity, or nearly so, with whites of similar occupation and human capital.⁴⁰

Although first-generation immigrants (with the notable exception of Indians) earn lower personal incomes on average than native-born whites, this fact does

not point to discrimination as much as to subtle human capital differences between immigrants and natives. Poor English skills, lack of connections, insufficient knowledge of U.S. society, and the mismatch between a foreign education and the expectations of U.S. employers can all adversely affect newcomers' employment opportunities and wages. When immigrants' place of education is taken into account, the apparent earnings disparity vanishes.⁴¹ This, along with the near parity achieved in the second generation, shows that institutional changes in education and the economy have moved American society away from the historical exclusion of and harsh discrimination against Asian Americans.

The assimilation of Asian immigrants is testament to the institutional changes that link civil rights and immigration reform. On one hand, immigration law and policy have enabled millions of well-educated Asians to immigrate legally to this country; on the other hand, inclusive institutions mandated by civil rights legislation have lowered barriers and paved the way for these immigrants to enter the mainstream of civil society. The success of Asian immigrants and their children in a new era of high-volume immigration suggests that institutional changes of the civil rights era have led to a more inclusive and open American society – at least for those whose legal status enables them to access mainstream institutions.

The legal status of immigrants at the point of entry is significant in explaining their socioeconomic attainment and assimilation. To contrast differential patterns of socioeconomic attainment and assimilation in immigrant groups without considering the relative proportion of documented and undocumented immigrants is to confuse the persistent influence of documentation, or lack thereof,

with the putative effects of societal discrimination. “Downward” or “segmented” assimilation should not be attributed solely to discrimination and historical ethnoracial hierarchies, but also to endogenous selectivity in undocumented entry and the attendant economic and legal barriers that result from violating the rules of the game.

The predominance of nonwhite immigration since 1965 has led some to focus on race as a decisive factor in the incorporation of immigrants and their children. In *Who Are We?*, the late political scientist Samuel Huntington conjectured that America is becoming a society in

which ethnoracial boundaries harden, leading to a balkanized American future. But the mainstream success of so many Asian American immigrants suggests that race may not be such a decisive factor in shaping socioeconomic attainment as it was in the American past, and that assimilation still is as characteristic of the course of contemporary immigration as it was for earlier immigration from Europe. In an increasingly inclusive mainstream, the significance of race has declined considerably. Rather, patterns of legal and illegal entry are more consistently determinative of immigrant access to mainstream opportunities.

ENDNOTES

- * Contributor Biographies: VICTOR NEE is the Frank and Rosa Rhodes Professor of Sociology at Cornell University, where he is also Director of the Center for the Study of Economy and Society. His publications include *Capitalism From Below: Markets and Institutional Change in China* (with Sonja Opper, 2012), *Remaking the American Mainstream: Assimilation and Contemporary Immigration* (with Richard Alba, 2003), and *The Economic Sociology of Capitalism* (edited with Richard Swedberg, 2005).

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- ¹ Controversy over immigration is focused on illegal immigration, estimated to involve eleven million people. American national identity and ideology are inexorably linked to cultural beliefs of a nation peopled through immigration. Thus, public support for legal immigration remains strong despite the contentious politics centered on illegal immigration. In 2011, 59 percent of Americans said that immigration is a good thing for America; see Jeffrey M. Jones, “Americans’ Views on Immigration Holding Steady,” Gallup Politics, June 22, 2011, <http://www.gallup.com/poll/148154/Americans-Views-Immigration-Holding-Steady.aspx>.
- ² This figure includes a growing biracial population of 2.6 million.
- ³ Nathan P. Walters and Edward N. Trevelyan, “The Newly Arrived Foreign-Born Population of the United States: 2010” (Washington, D.C.: U.S. Census Bureau, November 2011), <http://www.census.gov/prod/2011pubs/acsbr10-16.pdf>.
- ⁴ The U.S. Census Bureau projects 9.2 percent, but in the General Social Survey, Americans already believe that Asians make up 10 percent of the American population; see “An Older and More Diverse Nation by Midcentury” (Washington, D.C.: U.S. Census Bureau, August 2008), <http://www.census.gov/newsroom/releases/archives/population/cbo8-123.html>; and Richard Alba, Rubén G. Rumbaut, and Karen Marotz, “A Distorted Nation: Perceptions of Racial/Ethnic Group Sizes and Attitudes toward Immigrants and Other Minorities,” *Social Forces* 84 (2) (2005): 901–919.
- ⁵ Richard Alba and Victor Nee, *Remaking the American Mainstream: Assimilation and Contemporary Immigration* (Cambridge, Mass.: Harvard University Press, 2003); John Iceland, *Where*

- We Live Now: Immigration and Race in the United States* (Berkeley and Los Angeles: University of California Press, 2009); and Jennifer Lee and Frank D. Bean, *The Diversity Paradox: Immigration and the Color Line in 21st Century America* (New York: Russell Sage Foundation, 2010).
- 6 Harry H.L. Kitano, *Japanese Americans: The Evolution of a Subculture* (Upper Saddle River, N.J.: Prentice Hall, 1976).
- 7 Won M. Hurh and Kwang C. Kim, "The 'Success' Image of Asian Americans: Its Validity, and Its Practical and Theoretical Implications," *Ethnic and Racial Studies* 12 (1989): 512–538; Grace Kao, "Asian-Americans as Model Minorities? A Look at Their Academic Performance," *American Journal of Education* 103 (1995): 121–159; and Kimberly Goyette and Yu Xie, "Educational Expectations of Asian American Youths: Determinants and Ethnic Differences," *Sociology of Education* 72 (1999): 22–36.
- 8 Victor Nee and Richard Alba, "Assimilation as Rational Action in Contexts Defined by Institutions and Boundaries," in *Handbook of Rational Choice Social Research*, ed. Rafael Wittek, Thomas Snijders, and Victor Nee (Stanford, Calif.: Stanford University Press, 2013), 355–380.
- 9 Calculated from U.S. Department of Homeland Security estimates of illegal immigrants and U.S. Census Bureau estimates of the foreign-born population; see Michael Hoefer, Nancy Rytina, and Bryan C. Baker, "Estimates of the Unauthorized Immigrant Population Residing in the United States: January 2010" (Washington, D.C.: U.S. Department of Homeland Security, February 2011), http://www.dhs.gov/xlibrary/assets/statistics/publications/ois_ill_pe_2010.pdf; and Elizabeth M. Grieco et al., "The Foreign-Born Population in the United States: 2010" (Washington, D.C.: U.S. Census Bureau, May 2012), <http://www.census.gov/prod/2012pubs/acs-19.pdf>.
- 10 Alba and Nee, *Remaking the American Mainstream*.
- 11 Paul Burstein, *Discrimination, Jobs, and Politics: The Struggle for Equal Employment Opportunity in the United States since the New Deal* (Chicago: University of Chicago Press, 1985).
- 12 Frank Dobbin, *Inventing Equal Opportunity* (Princeton, N.J.: Princeton University Press, 2011).
- 13 Over 29 percent of illegal immigrants never graduated from high school, compared to 12 percent among legal immigrants; and only 15 percent of illegal immigrants have college degrees, compared to 35 percent among legal immigrants. See Jeffrey S. Passel and D'Vera Cohn, "A Portrait of Unauthorized Immigrants in the United States" (Washington, D.C.: Pew Research Hispanic Center, April 14, 2009), <http://www.pewhispanic.org/2009/04/14/a-portrait-of-unauthorized-immigrants-in-the-united-states/>.
- 14 George J. Borjas, *Heaven's Door: Immigration Policy and the American Economy* (Princeton, N.J.: Princeton University Press, 1999).
- 15 Jimmy M. Sanders and Victor Nee, "Limits of Ethnic Solidarity in the Enclave Economy," *American Sociological Review* 52 (1987): 745–773; Reynolds Farley, *The New American Reality: Who We Are, How We Got Here, Where We Are Going* (New York: Russell Sage Foundation, 1996), 191; Terry Hum, "A Protected Niche? Immigrant Ethnic Economies and Labor Market Segmentation," in *Prismatic Metropolis: Inequality in Los Angeles*, ed. Lawrence D. Bobo, Melvin L. Oliver, James H. Johnson Jr., and Abel Valensuela Jr. (New York: Russell Sage Foundation, 2000); Edna Bonacich and Richard P. Appelbaum, *Behind the Label: Inequality in the Los Angeles Apparel Industry* (Berkeley and Los Angeles: University of California Press, 2000); and Yu Xie and Margaret Gough, "Ethnic Enclaves and the Earnings of Immigrants," *Demography* 48 (2011): 1293–1315.
- 16 Passel and Cohn, "A Portrait of Unauthorized Immigrants in the United States."
- 17 Frank D. Bean, Mark A. Leach, Susan K. Brown, James D. Bachmeier, and John R. Hipp, "The Educational Legacy of Unauthorized Migration: Comparisons Across U.S.-Immigrant Groups in How Parents' Status Affects Their Offspring," *International Migration Review* 45 (2011): 348–385.
- 18 Passel and Cohn, "A Portrait of Unauthorized Immigrants in the United States."

- ¹⁹ Douglas Massey shows that the volume of undocumented immigrants entering from Mexico increased sharply in the late 1980s and through the 1990s after the passage of the Immigration Reform and Control Act of 1986. Consistent with the stigma hypothesis, as the undocumented immigrant population approached 50 percent of the Mexican American population, the wages for documented and undocumented Mexican immigrants converged; see Douglas S. Massey, "Understanding America's Immigration 'Crisis,'" *Proceedings of the American Philosophical Society* 151 (September 2007): 309–327.
- ²⁰ The Department of Homeland Security estimates that in 2011 there were 280,000 illegal immigrants from China, 270,000 from the Philippines, 240,000 from India, 230,000 from Korea, and 170,000 from Vietnam. Together, all undocumented Asian immigrants make up approximately 11 percent of the unauthorized immigrant population. By contrast, an estimated 8.9 million (77 percent) of the total 11.5 million undocumented immigrants were from North America (including Canada, Mexico, the Caribbean, and Central America). The largest source of undocumented immigrants was Mexico, estimated at 6.8 million, or about 59 percent of the unauthorized immigrant population. See Michael Hoefer, Nancy Rytina, and Bryan C. Baker, "Estimates of the Unauthorized Immigrant Population Residing in the United States: January 2011" (Washington, D.C.: U.S. Department of Homeland Security, March 2012), http://www.dhs.gov/xlibrary/assets/statistics/publications/ois_ill_pe_2011.pdf.
- ²¹ Table 1, "Educational Attainment of the Population 18 Years and Over, by Age, Sex, Race, and Hispanic Origin: 2010" (Washington, D.C.: U.S. Census Bureau, 2011), <http://www.census.gov/hhes/socdemo/education/data/cps/2010/tables.html>.
- ²² Not all ethnicities share these human capital characteristics. Reflecting the legacy of America's war in Indochina, Vietnamese, Laotians, Cambodians, and Hmong refugees have also settled in the United States. In the first generation, the educational profiles for these groups are not only lower than those of other Asian immigrants, but also lower than that of the United States as a whole.
- ²³ From authors' analysis of PUMS data; Steven Ruggles, J. T. Alexander, Katie Genadek, Ronald Goeken, Matthew B. Schroeder, and Matthew Sobek, *Integrated Public Use Microdata Series: Version 5.0*, American Community Survey 5-Year Estimates 2010 [Machine-Readable Database] (Minneapolis: University of Minnesota, 2010), <https://usa.ipums.org/usa/>.
- ²⁴ "The Rise of Asian Americans," Pew Research Center, June 19, 2012, <http://www.pewsocialtrends.org/2012/06/19/the-rise-of-asian-americans/>.
- ²⁵ From authors' analysis of PUMS data; Ruggles et al., *Integrated Public Use Microdata Series*.
- ²⁶ "Open for Business: How Immigrants are Driving Small Business Creation in the United States," The Partnership for a New American Economy, August 2012, <http://www.renewoureconomy.org/index.php?q=open-for-business>.
- ²⁷ Jennifer Holdaway, "China Outside the People's Republic of China," in *The New Americans: A Guide to Immigration since 1965*, ed. Mary C. Waters and Reed Ueda (Cambridge, Mass.: Harvard University Press, 2007).
- ²⁸ AnnaLee Saxenian, *The New Argonauts: Regional Advantage in a Global Economy* (Cambridge, Mass.: Harvard University Press, 2006).
- ²⁹ Ronald S. Burt, *Structural Holes: The Social Structure of Competition* (Cambridge, Mass.: Harvard University Press, 1995).
- ³⁰ Bean et al., "The Educational Legacy of Unauthorized Immigration."
- ³¹ Alba and Nee, *Remaking the American Mainstream*; and Yu Xie and Kimberly Goyette, "Social Mobility and the Educational Choices of Asian Americans," *Social Science Research* 32 (2003): 467–498.
- ³² Goyette and Xie, "Educational Expectations of Asian American Youths."
- ³³ Philip Kasinitz, John H. Mollenkopf, Mary C. Waters, and Jennifer Holdaway, *Inheriting the City: The Children of Immigrants Come of Age* (New York: Russell Sage Foundation; and Cam-

- bridge, Mass.: Harvard University Press, 2008); and Clemens Kroneberg, "Ethnic Communities and School Performance among the New Second Generation in the United States: Testing the Theory of Segmented Assimilation," *Annals of the American Academy of Political and Social Science* 620 (2008): 138–160.
- ³⁴ For foreign-born Asian U.S. residents twenty-five and older, from authors' analysis of PUMS data; Ruggles et al., *Integrated Public Use Microdata Series*.
- ³⁵ Kasinitz et al., *Inheriting the City*.
- ³⁶ The professional and white-collar jobs left vacant by retiring baby boomers open up vacancy chains; see Richard D. Alba, *Blurring the Color Line: The New Change for a More Integrated America* (Cambridge, Mass.: Harvard University Press, 2009).
- ³⁷ Kasinitz et al., *Inheriting the City*.
- ³⁸ From authors' analysis of PUMS data; Ruggles et al., *Integrated Public Use Microdata Series*.
- ³⁹ Arthur Sakamoto, Huei-Hsia Wu, and Jessie M. Tzeng, "The Declining Significance of Race among American Men during the Latter Half of the Twentieth Century," *Demography* 37 (2000): 41–51.
- ⁴⁰ John Iceland, "Earnings Returns to Occupational Status: Are Asian Americans Disadvantaged?" *Social Science Research* 28 (1999): 45–65; Sakamoto et al., "The Declining Significance of Race among American Men during the Latter Half of the Twentieth Century"; and Chang Hwan Kim and Arthur Sakamoto, "Have Asian American Men Achieved Labor Market Parity with White Men?" *American Sociological Review* 75 (2010): 934–957.
- ⁴¹ Zhen Zeng and Yu Xie, "Asian-Americans' Earnings Disadvantage Reexamined: The Role of Place of Education," *American Journal of Sociology* 109 (2004): 1075–1108.

Contemporary Immigrant Gateways in Historical Perspective

Audrey Singer

Abstract: This article focuses on settlement trends of immigrants during the periods that bookend the twentieth century, both eras of mass migration. It compares settlement patterns in both periods, describing old and new gateways, the growth of the immigrant population, and geographic concentration and dispersion. Historically, immigrants have been highly concentrated in a few places. Between 1930 and 1990, more than half of all immigrants lived in just five metropolitan areas. Since then, the share of these few destinations has declined, as immigrants have made their way to new metro areas, particularly in the South and West. During the same period, immigrants began to choose the suburbs over cities, following the decentralization of jobs and the movement of opportunities to suburban areas. There are now more immigrants in U.S. suburban areas than cities.

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New immigrant settlement trends have reshaped communities across the United States. The history of immigrant urban enclaves has been fundamentally altered by the post–World War II restructuring of the U.S. economy, the decentralization of cities, and the growth of suburbs as major employment centers. The contemporary immigration “map” has multiple implications for the social, economic, civic, and political integration of immigrants.

Similar transformative processes also characterized the turn of the twentieth century, when the United States was shifting from an agrarian to an industrial economy, inducing both an exodus from rural areas to cities and mass immigration, mainly from Europe. At that time, immigrants significantly altered neighborhoods in burgeoning cities, some of which are still defined by the immigrants who settled there during that period.

Today, these processes are taking place in new geographies and through different industrial transitions. During both periods, the content and the location of working life changed. At the turn of the

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twentieth century, the U.S. economy moved from agriculture toward manufacturing, and the population shifted from rural to urban areas. The turn of the twenty-first century has been characterized by a transition from manufacturing to “new economy” technology and service jobs, and a population movement from urban to suburban and exurban areas.

The historical immigrant settlement narrative typically begins with immigrants arriving at Ellis Island or the ports of California, before making their way to ethnic neighborhoods in cities such as New York, Philadelphia, Baltimore, Chicago, St. Louis, or San Francisco. As these communities developed, immigrants worked in local establishments, started their own businesses, sent their children to local schools, and organized places of worship.

Building on this history, the contemporary story entails the arrival of immigrants to established immigrant gateways with well-defined service infrastructures and a receptivity that aids the integration process. But it also includes a large number of immigrants streaming to newer destinations. These new gateways have emerged over the past two decades, creating a different context for integration and eliciting a mixed response from local communities. In some areas, immigrants have been welcomed, while in others they have stimulated conflict. Rapid demographic shifts in the newest gateways often have an impact on public institutions, whose adjustments to the changes unfold across immigrant and native-born communities that may be unprepared for change. This article focuses on settlement trends of immigrants in the two periods that bookend the twentieth century, both eras of mass immigration. It compares settlement patterns in both periods, describing old and

new gateways, the growth of the immigrant population, and geographic concentration and dispersion. The rise of suburban settlement patterns is examined in the contemporary period.

This analysis examines the size and distribution of the foreign-born population for the period between 1900 and 2010. Much of the analysis focuses on 1900, representing the beginning of the twentieth century, and 2010, representing the beginning of the twenty-first century. County-level data from decennial censuses for the years 1900 to 1950 and 1970 to 2000 were accessed via the Minnesota Population Center’s National Historical Geographic Information System (NHGIS).¹ Due to sampling errors noted by the Minnesota Population Center, data for the year 1960 were extracted directly from Census Bureau digital uploads of the *U.S. Census of Population: 1960*, vol. 1, *Characteristics of the Population*.² For 2010, American Community Survey (ACS) 2006–2010 5-year estimates were accessed from the Census Bureau because comparable data at the county level are not available from 1-year estimates of the ACS.

While “metropolitan areas” as we know them today did not exist at the turn of the twentieth century, consistent metropolitan definitions based on 2010 Office of Management and Budget (OMB) definitions are used throughout the analysis in order to standardize data comparisons. Metropolitan immigration estimates were constructed from individual county-level data. Thus, metropolitan area definitions are applied to data from 1900, even though population was heavily concentrated in the cities of those areas, and suburbs were not yet well developed. Metropolitan areas are composed of counties or county equivalents and are ranked according to the one hundred most populous metro areas of each decade.

Two trends emerge from a review of the share of foreign-born populations residing in the primary urban counties of the metropolitan areas with the largest immigrant populations. For contemporary metropolitan areas that developed prior to World War II, the share of the immigrant population in the primary urban county is generally high in the first half of the century. As immigrants began to suburbanize in the second half of the century, this share diminished; St. Louis, Baltimore, and Portland, Oregon, follow this pattern. For newer metropolitan areas that experienced development after the advent of the automobile, the trend tends to be different. The share of immigrants in the primary urban county, often only a small city or town in the early twentieth century, is small, reflecting a more rural foreign-born population. The share of the immigrant population in the primary urban county increases over time, as the region surrounding the cities becomes denser. This pattern is particularly evident in states such as Texas, which shares a border with Mexico, and which has a significant Mexican immigrant population, especially in cities such as Houston and Austin. Areas that tend to have a consistently low share of immigrants residing in the primary urban county are those that have recently emerged or reemerged as immigrant gateways and that have a largely suburban population, such as Salt Lake City, Denver, and Sacramento.

Currently, the OMB defines 366 metropolitan areas in the United States, all of which are included in this study. Thirty-seven percent of U.S. counties (1,168) are located in metropolitan areas. In this analysis, “metropolitan area” is used to describe all urban places, including those at the beginning of the twentieth century. The 100 largest metropolitan areas in 2010 constitute “large metropolitan areas”;

the remaining 266 are the “small metropolitan areas.” The remainder of the population lives in rural or non-metropolitan areas. The 100 largest metropolitan areas are defined by the Brookings Metropolitan Policy Program’s State of Metropolitan America Indicator Map.³ Primary cities are defined as the largest city in each metropolitan area, plus all other incorporated places with populations of at least 100,000. Suburbs are designated as the remainder of the metro areas outside primary cities.

The terms *immigrant* and *foreign born* are used interchangeably here to refer to persons born outside the United States, excluding those born to American citizens abroad. Immigrant status is determined by a question about birthplace in the census questionnaire. This question varies somewhat over the twentieth century, but foreign-born population and total population were determined for each year at the metropolitan level.

During the turn of both the twentieth and twenty-first centuries, immigration levels were high, and the share of the population that was foreign born was at a peak. In this regard, America at the turn of the twenty-first century bears some similarities to America at the turn of the twentieth century. In 1900, immigrants made up nearly 14 percent of the U.S. population; in 2010, they composed 13 percent of the total. However, in absolute terms, the number of immigrants has quadrupled, from 10 million in 1900 to nearly 40 million today.

For several decades prior to 1900, immigrants arrived in great numbers. Between 1860 and 1900, the immigrant population grew by more than 6 million persons, growing by 35 percent between 1860 and 1870 and then varying in growth rates between 12 and 38 percent per decade (see Table 1). Between 1900 and

Table 1

Foreign-Born Population, including Its Share of the Total Population and Its Change from the Previous Decade, 1860–2010

	Foreign Born	Share of Total	Change from Previous Decade	
			Number	Growth Rate
1860	4,138,697	13.2%	–	–
1870	5,567,229	14.4%	1,428,532	35%
1880	6,679,943	13.3%	1,112,714	20%
1890	9,249,547	14.8%	2,569,604	38%
1900	10,341,276	13.6%	1,091,729	12%
1910	13,515,886	14.7%	3,174,610	31%
1920	13,920,692	13.2%	404,806	3%
1930	14,204,149	11.6%	283,457	2%
1940	11,594,896	8.8%	-2,609,253	-18%
1950	10,347,395	6.9%	-1,247,501	-11%
1960	9,738,091	5.4%	-609,304	-6%
1970	9,619,302	4.7%	-118,789	-1%
1980	14,079,906	6.2%	4,460,604	46%
1990	19,767,316	7.9%	5,687,410	40%
2000	31,107,889	11.1%	11,340,573	57%
2010	39,955,854	12.9%	8,847,965	28%

Source: Author's calculations of 1860–2000 data via Campbell Gibson and Kay Jung, "Historical Census Statistics on the Foreign-Born Population of the United States: 1850–2000," Population Division Working Paper No. 81 (Washington, D.C.: U.S. Bureau of the Census, February 2006), <http://www.census.gov/population/www/documentation/twps0081/twps0081.html>; and 2010 ACS 1-year estimates, <http://www.census.gov/acs/www/>.

1910, the immigrant population grew by a whopping 3.2 million, a rate of 31 percent, yielding a U.S. population in 1910 that was nearly 15 percent foreign born.

What followed were six decades of much lower immigration levels, as the Great Depression and two world wars curtailed immigration worldwide. This slow and, at times, negative growth of the immigrant population, coupled with restrictive immigration policy and the mid-century baby boom, rendered a nation that was almost entirely native born. By 1960, the share of the population that was foreign born was less than 5 percent, amounting to fewer than 10 million immigrants.

Between 1970 and 1980, immigration began to pick up again in earnest, increasing steadily over the four decades

between 1970 and 2010. The greatest increase came in the 1990s, when more than 11.3 million immigrants arrived, a growth of 57 percent. Immigration in the 2000s slowed a bit after the recession; still, nearly 9 million immigrants arrived, boosting the U.S. foreign-born population to nearly 13 percent, the highest share since 1920.

During the 1960s and 1970s, changes in U.S. admissions policy regarding national origins as well as political and economic conditions in sending countries affected the composition of immigrants entering the United States.⁴ Thus, the two periods also differ greatly in the regional origins of immigrants. In 1900, the vast majority of the 10 million immigrants residing in the United States were from European countries, but by 2010, Europeans made

up less than 13 percent of all immigrants (see Table 2). At the turn of the twentieth century, 11 percent of immigrants were from Northern America (in addition to Canada, this includes Bermuda, Greenland, and St. Pierre and Miquelon). Mexican immigrants then made up only 1 percent of the total, as did immigrants from all Asian countries combined. The remainder of Latin America, Africa, and Oceania each contributed less than 1 percent of the total. By 2010, however, immigrants from Mexico had the largest share of the total, at 30 percent. The rest of Latin America contributed 23 percent and all Asian countries combined were another 28 percent of the total. Africans comprised 4 percent, Northern America 2 percent, and immigrants from Oceania less than 1 percent.

As the United States has urbanized and developed, the destinations of immigrants have shifted. While the United States developed from a largely rural to a largely urban society, the number and density of cities increased.⁵ Eventually, the cities themselves expanded, growing from dense urban cores to metropolitan areas with large suburban areas extending outward.

Immigrant workers contributed mightily to the workforce during the industrial transformation of the U.S. economy. Sociologists Charles Hirschman and Elizabeth Mogford estimate that immigrants and their children held half of all U.S. manufacturing jobs by 1920.⁶ Thus, the industrializing cities of the Northeast and Midwest attracted workers to manufacturing jobs in great numbers, and immigrants played a major role in the process of urbanization. Indeed, 67 percent of all immigrants lived in the largest metropolitan areas in 1900, as compared to just 44 percent of the native born (see Figure 1).

Including small “metros,” more than three-quarters of immigrants lived in

metropolitan areas and less than one-quarter lived in rural areas in 1900. In contrast, 58 percent of the native-born population lived in metro areas and 42 percent in non-metropolitan areas. By 2010, 95 percent of foreign-born residents lived in metropolitan America, as compared with only 81 percent of the native born. Among the large metropolitan areas in 1900, the majority of the foreign born lived in the Northeast (41 percent) and Midwest (20 percent). Only a small share lived in large metro areas in the South (3 percent) and the West (3 percent), and another 10 percent lived in smaller metropolitan areas (see Figure 2).

By 2010, however, the large metropolitan areas in the Northeast housed only 20 percent of the immigrant population and the Midwest dropped to only 9 percent of the total, reflecting broader population shifts to the South and West. Metropolitan areas in the South (25 percent) and the West (31 percent) are now home to more than half of all immigrants. Small metro areas make up another 10 percent of the total.

Immigrants were drawn to cities that were flourishing at the turn of the twentieth century. Indeed, metropolitan immigrant settlement was highly concentrated (see Figure 3).⁷ For most of the century, just five cities ruled as major settlement areas, where half of all immigrants chose to live. New York is by far the dominant destination, garnering at least one-quarter of all immigrants for each decade throughout most of the century. No other metropolitan area comes close to that share until 1990, when Los Angeles matches New York’s share at 19 percent, or 3.4 million immigrants each. Only New York and Chicago make the top-five list for every decade between 1900 and 2010. New York is ranked first (with the exception of 1990, when it shares that rank with Los Angeles)

Table 2

Foreign-Born Population by Region or Country of Birth, 1900 and 2010

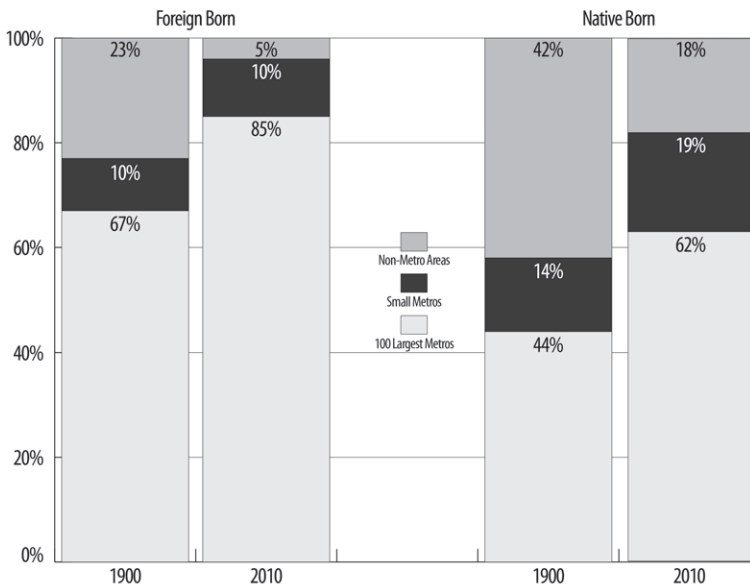
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Region or Country	1900		2010	
	Number	Share	Number	Share
Europe	8,881,548	86.0%	4,817,437	12.1%
Asia	120,248	1.2%	11,283,574	28.2%
Africa	2,538	<0.1%	1,606,914	4.0%
Oceania	8,820	0.1%	216,736	0.5%
Latin America (excluding Mexico)	34,065	0.3%	9,512,984	23.8%
Mexico	103,393	1.0%	11,711,103	29.3%
Northern America	1,179,922	11.4%	806,925	2.0%
Total	10,330,534		39,955,673	

The table excludes unreported country of birth (1900 only). Source: Author’s calculations of 1860–2000 data via Campbell Gibson and Kay Jung, “Historical Census Statistics on the Foreign-Born Population of the United States: 1850–2000,” Population Division Working Paper No. 81 (Washington, D.C.: U.S. Bureau of the Census, February 2006), <http://www.census.gov/population/www/documentation/twps0081/twps0081.html>; and 2010 ACS 1-year estimates, <http://www.census.gov/acs/www/>.

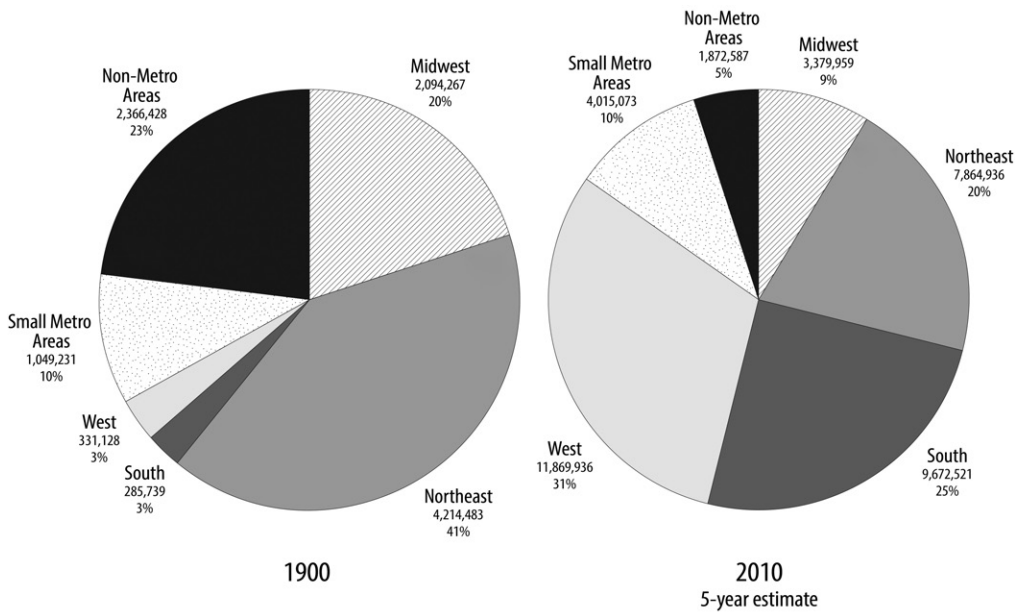
Figure 1

Metropolitan/Non-Metropolitan Residence by Nativity, 1900 and 2010



Source: Author’s calculations of 1900 Decennial Census data accessed via Minnesota Population Center’s National Historical Geographic Information System, <http://www.nhgis.org>; and 2006–2010 ACS 5-year estimates, <http://www.census.gov/acs/www/>.

Figure 2
Regional Share of Foreign Born in Large Metropolitan Areas, Small Metropolitan Areas,
and Non-Metropolitan Areas, 1900 and 2010



Midwest, Northeast, South, and West divisions include the 100 largest metropolitan areas for 1900 and 2006–2010. Source: Author’s calculations of 1900 Decennial Census data accessed via Minnesota Population Center’s National Historical Geographic Information System, <http://www.nhgis.org>; and 2006–2010 ACS 5-year estimates, <http://www.census.gov/acs/www/>.

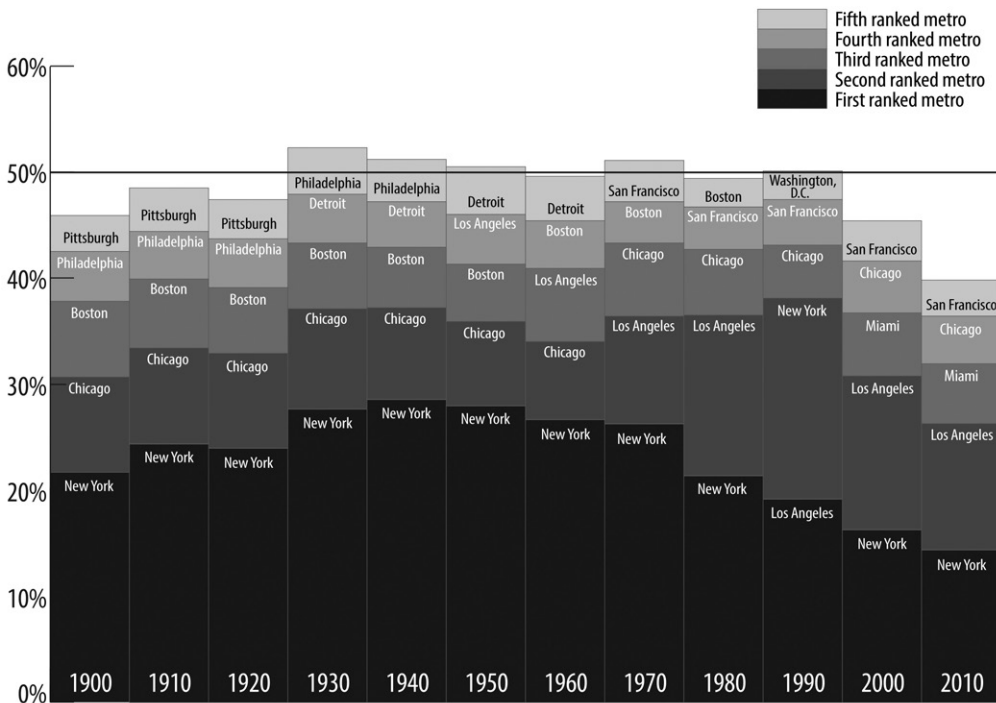
and Chicago ranks second all the way through 1960, after which Chicago drops in rank, though all the while gaining immigrants in absolute numbers.⁸

In the early decades of the twentieth century, industrial Philadelphia maintains a rank in the top five, but by 1940 it suffers a net loss of immigrants. Pittsburgh, another industrial city, also appears in the first three decades, only to be trumped by Detroit, which occupies a top spot from 1930 to 1960 as job opportunities there expanded. Boston maintains a continuous presence on the list through 1960, despite a net decline in the number of immigrants. San Francisco claims a strong and growing share from 1970 to 2010, reflecting gains in immigrants from the Pacific Rim. Los Angeles rises from

mid-century on to assert a large share of all immigrants living in metropolitan America. In a similar fashion, albeit with a smaller share among all metro areas, Miami stakes out third place in the last several decades due to an increase, first, in Cuban immigrants and, later, in immigrants from other Caribbean and Latin American countries.

The concentration of immigrants after 1990 is especially notable. After seven continuous decades – between 1930 and 1990 – when just five metro areas housed about half of all immigrants living in metropolitan areas, the share declines to 45 percent in 2000 and 40 percent in 2010 as immigrant newcomers make their way to new metro areas, particularly in the South and West. If growth trajectories of

Figure 3
Five Largest Immigrant Populations in Metropolitan Areas as a Share of All Metropolitan Areas, 1900–2010



2010 values represent 2006–2010 5-year estimates. Source: Author’s calculations of 1900–1950 and 1970–2000 Decennial Census data accessed via Minnesota Population Center’s National Historical Geographic Information System, <http://www.nhgis.org>; 1960 Decennial Census data accessed via U.S. Census Bureau, *U.S. Census of Population: 1960*, vol. 1, *Characteristics of the Population* (Washington, D.C.: U.S. Government Printing Office, 1963); and 2006–2010 ACS 5-year estimates, <http://www.census.gov/acs/www/>.

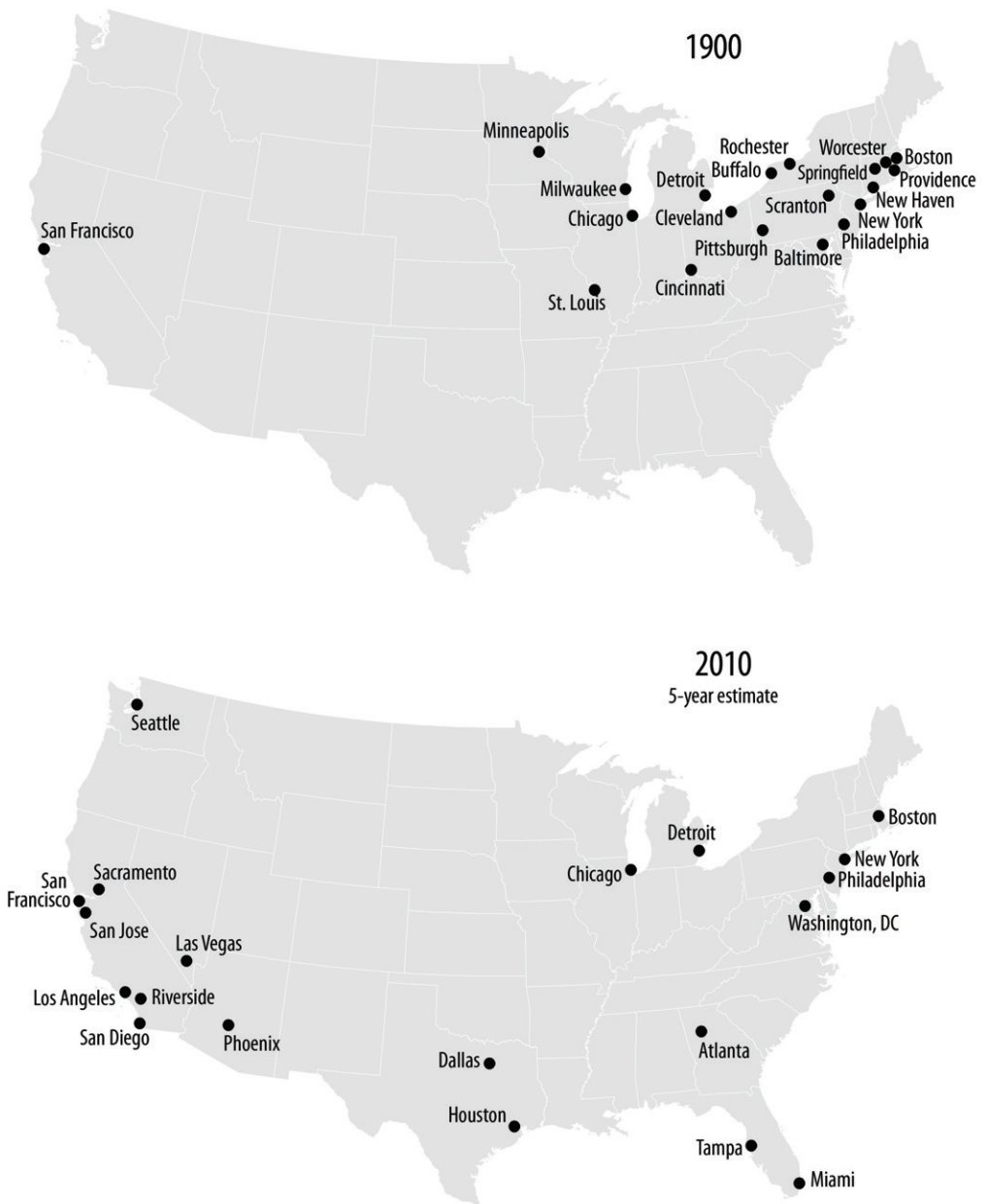
dispersal continue into the next decade, the immigrant population in the five largest metropolitan areas may only amount to slightly more than one-third of the total.

Mapping the largest immigrant populations within metropolitan areas in 1900 and 2010 reveals just how dispersed the foreign-born population has become (see Map 1). With the exception of San Francisco, all of the big immigrant destinations in 1900 were in the Midwest or Northeast, including cities in the Great Lakes region such as Buffalo, Detroit, Cleveland, Pittsburgh, and Milwaukee,

which all share a manufacturing past and no longer draw immigrants in great numbers. New England also drew immigrants to jobs in Worcester, Providence, New Haven, and Boston. The big magnets of Chicago, New York, and Philadelphia attracted large numbers of immigrants.

By 2010, the immigration map had been redrawn. While San Francisco, New York, Chicago, Boston, and Philadelphia are on both maps, more notable are the metro areas in the South and West that have risen to the top. Los Angeles, Riverside, Phoenix, Dallas, and Houston are among the metro areas in the Southwest

Map 1
Twenty Metropolitan Areas with the Largest Immigrant Populations, 1900 and 2010

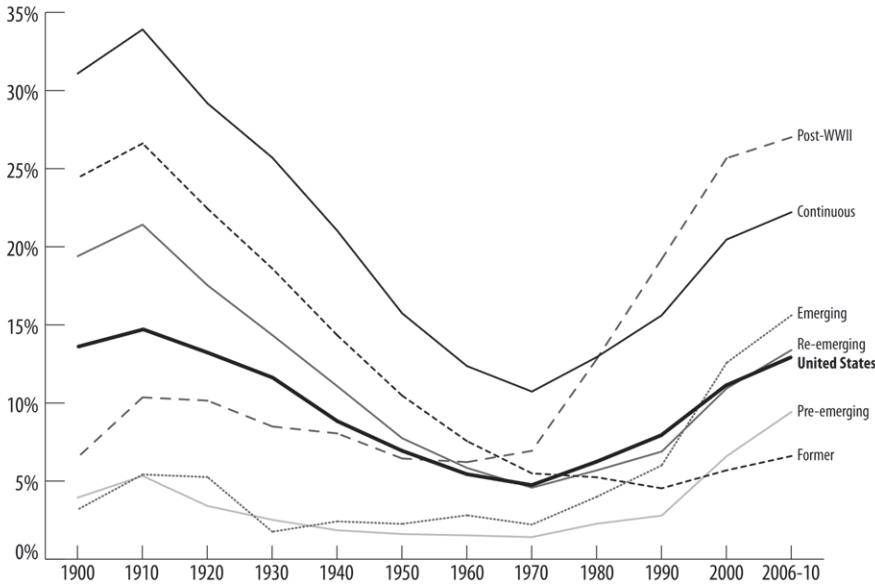


Source: Author's calculations of 1900 Decennial Census data accessed via Minnesota Population Center's National Historical Geographic Information System, <http://www.nhgis.org>; and 2006–2010 ACS 5-year estimates, <http://www.census.gov/acs/www/>.

Figure 4

Percent of Foreign Born in Metropolitan Areas, by Gateway Type, 1900–2010

Audrey Singer



Source: Author's calculations of 1900–1950, 1970–2000 Decennial Census data accessed via Minnesota Population Center's National Historical Geographic Information System, <http://www.nhgis.org>; 1960 Decennial Census data accessed via U.S. Census Bureau, *U.S. Census of Population: 1960*, vol. 1, *Characteristics of the Population* (Washington, D.C.: U.S. Government Printing Office, 1963); and 2006–2010 ACS 5-year estimates.

that rank highly, along with Miami, Tampa, and Atlanta in the Southeast.

The body of work that analyzes contemporary immigrant gateways in historical perspective sheds further light on the stature and composition of today's destinations.⁹ A typology of immigrant gateways reflects the size and geography of immigrant settlement patterns shaped by industrial histories, economic conditions, proximity to immigrant sending countries, and social networks.¹⁰ In the contemporary period, they vary in size and national-origin composition, skills distribution, and neighborhood concentration. The share of the population that is foreign born, aggregated by gateway type, illustrates the long-term patterns of growth and decline within each type (see Figure 4).

Cities such as Cleveland, Milwaukee, and St. Louis, which had populations with a higher immigrant share than the national average from 1900 to 1970, followed by a lower share in every decade since, are former immigrant gateways. New York, Boston, San Francisco, and Chicago are the quintessential immigrant destinations, having large and sustained immigrant populations over the entire twentieth century. These are the “major” continuous gateways responsible for much higher than average shares of immigrants for every decade of the twentieth century. In addition, the “minor” continuous gateways, like their larger counterparts, have had long histories of immigrant settlement, but the size of the immigrant population is historically smaller.

There are two groups of minor continuous gateways, most easily described by their geographies. The first group includes New England metro areas such as Hartford, New Haven, and Bridgeport that attracted Europeans in the early part of the twentieth century, and that now receive a mixture of Europeans, Caribbeans, and other groups. The other group of metropolitan areas is primarily located among border states, which have been long-term settlement areas for Mexican immigrants. These include Bakersfield and Fresno in the central valley of California and San Antonio and McAllen in Texas.¹¹

Post-World War II immigrant gateways such as Miami, Los Angeles, Houston, and Washington, D.C., all emerged as major immigrant destinations in the second half of the twentieth century (albeit in different decades). Until the 1960s, these places had comparatively small immigrant populations making up small shares of their total population, but they grew rapidly thereafter, and now include some of the largest contemporary gateways. Their populations had lower shares of immigrants than the national average for the first six decades of the century, followed by spiking rates up to the present.

Due to expanding economic and housing opportunities in several regions – the Southeast and the Mountain West in particular – many metropolitan areas quickly drew immigrants to work in construction, real estate, health care, and service sector jobs. Many metropolitan areas that became new gateways at the turn of the twenty-first century also attracted domestic migrants in large numbers, outweighing the growth due to immigrants.¹² Atlanta, Las Vegas, and Phoenix lead the emerging gateways. These places saw immigrant growth rates exceed the national average during one of the last three decades of the twentieth century, but until then

had small numbers of immigrants. The immigrant share in emerging gateways has been higher than the national average since 2000.

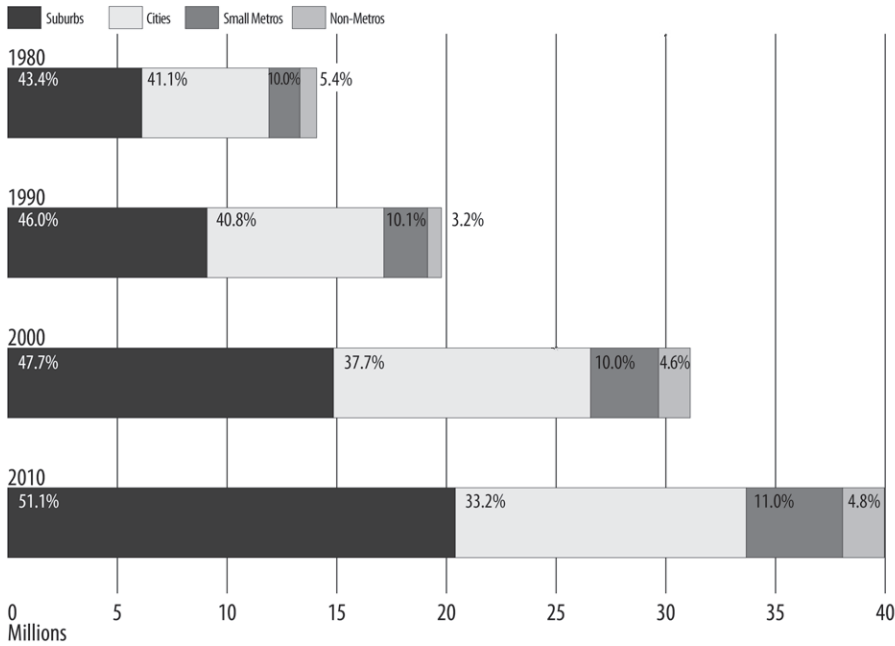
Similar to the continuous gateways, the reemerging gateways, including Seattle, the Twin Cities, and Baltimore, drew immigrants in large numbers in the early part of the twentieth century, but experienced low levels of immigration during the rest of the century. They then had fast immigrant growth at the very end of the twentieth century and into the 2000s, reemerging as significant destinations. Among all the gateways types, foreign-born shares in the reemerging gateways most closely mirror the national average. Other metro areas, such as Nashville, Charlotte, and Columbus, have little history of immigration, but recently have seen extraordinary growth in their immigrant populations. Still relatively small in absolute terms and as a share of the population, the rates of growth in these “pre-emerging” gateways have been at least three times the national rate during the past two decades.

The newest gateways, designated “twenty-first-century gateways” elsewhere, differ from the more established continuous gateways and the former gateways in that they developed largely as auto-dependent metropolises and thus are very suburban in form.¹³ They tend to be large and sprawling compared to the metropolitan areas with dense cities at their core that received immigrants in the early twentieth century. Growth patterns in areas such as metropolitan Atlanta and Washington, D.C., have led to extensive suburbs surrounding comparatively small central cities. Most of the population, including immigrants, lives in the suburbs. Other new destinations like Phoenix, Charlotte, and Austin are comprised of very large central cities resulting from

Figure 5

Residence of the Foreign-Born Population in the United States, 1980–2010

Audrey Singer



Cities and suburbs are defined for the 95 largest metropolitan areas based on the 2010 population. Primary cities are those that are named in metropolitan area title, as well as any incorporated places that had at least 100,000 in total population in 2010. The residual of the metro area is defined as suburban. In 5 of the 100 largest metropolitan areas, foreign-born population data at the city level are not available from the ACS. Thus, metro areas that are not in the top 95 are classified as “small metros.” Source: Author’s calculations of Decennial Census data; and 2010 ACS 1-year estimates, <http://www.census.gov/acs/www/>.

annexation. Here, the official city limits encompass vast suburban-like areas.

Nonetheless, the geography of U.S. immigrant settlement is now decidedly suburban (see Figure 5). Just thirty years ago, similar shares of immigrants lived in the cities and the suburbs of the largest metropolitan areas in the United States (41 percent and 43 percent, respectively). By 2010, only 33 percent of U.S. immigrants lived in central cities of the 100 largest metro areas, while 51 percent lived in the suburbs of these cities. All the while, the immigrant population increased nearly threefold. Throughout this period, about 11 percent of immigrants lived in the smaller metro areas, and another 5 per-

cent were in non-metropolitan or rural areas, while also growing in absolute terms.

The list of metropolitan areas with the largest suburban population reflects divergent trends (see Table 3). Slightly more than 20 million immigrants – about half of all immigrants in the United States – live in the suburbs of ten metropolitan areas. These ten places include many of the largest metropolitan areas in the country; although some are well-established continuous gateways such as New York, Chicago, and San Francisco, others are mid-century gainers such as Los Angeles, Miami, and Houston. Atlanta, a gateway that only recently emerged, is also on the list.

Contemporary Immigrant Gateways in Historical Perspective

Table 3
Largest Number, Highest Share, and Fastest Growth of Immigrants in the Suburbs of the 100 Largest Metropolitan Areas, 2010

Largest Number of Immigrants Living in the Suburbs

Rank	Metro Area	Immigrants
1	Los Angeles, CA	2,639,567
2	New York, NY	2,330,889
3	Miami, FL	1,893,530
4	Chicago, IL	1,065,839
5	Washington, D.C.	1,055,461
6	San Francisco, CA	815,914
7	Riverside, CA	757,105
8	Houston, TX	726,498
9	Atlanta, GA	682,813
10	Dallas, TX	617,036
<i>All Large Metro Areas</i>		20,401,330

Highest Share of Foreign-Born Population Living in the Suburbs

Rank	Metro Area	Share Foreign Born
1	Atlanta, GA	95.3%
2	Miami, FL	87.4%
3	Orlando, FL	87.0%
4	Detroit MI	86.8%
5	Washington, D.C.	86.3%
6	Birmingham, AL	86.0%
7	Cleveland, OH	85.6%
8	Lakeland, FL	84.0%
9	McAllen, TX	83.0%
10	Dayton, OH	82.7%
<i>All Large Metro Areas</i>		60.6%

Fastest Suburban Foreign-Born Growth Rate, 2000–2010

Rank	Metro Area	Growth Rate
1	Louisville, KY	246%
2	Jackson, MS	159%
3	Knoxville, TN	150%
4	Des Moines, IA	148%
5	Little Rock, AR	141%
6	Indianapolis, IN	141%
7	Birmingham, AL	140%
8	Scranton, PA	136%
9	Cape Coral, FL	133%
10	Austin, TX	124%
<i>All Large Metro Areas</i>		27%

Source: Author's calculations of 2000 Decennial Census data; and 2010 ACS 1-year estimates, <http://www.census.gov/acs/www/>.

Atlanta also tops the list of metropolitan areas with the greatest proportion of immigrants living in the suburbs: 95 percent. This is not surprising due to its small central city population, as is the case with Washington, D.C., Detroit, and Cleveland, all of which also have vast majorities of the population in suburbs. On average, the metropolitan areas on this list have over 80 percent of immigrants residing in their suburbs, compared to an average of 60 percent across the 100 largest metro areas.

Not coincidentally, the fastest-growing suburban immigrant populations correspond to the metropolitan areas with the fastest-growing immigrant populations in the country. Eight of the ten areas with suburban immigration growth of at least 124 percent in the last decade were metro areas whose immigrant populations doubled during the same period.¹⁴ The foreign-born population grew by 246 percent in Louisville's suburbs, Jackson's by 159 percent, and Knoxville's by 150 percent. All of the metropolitan areas on this list are newer destinations, or in the case of Scranton, reemergent ones. Seven of the ten are in the Southeast.

The history of immigration to the United States is intertwined with the American narrative. This story is often cast as the movement of people in search of economic opportunity, political and religious freedom, and a better life for their children. These desires have not changed over time, but the U.S. locations where opportunity unfolds have been altered by industrial restructuring, changes in transportation, and new technology. No longer are immigrants confined to urban ethnic neighborhoods; rather, they are a strong presence in many suburbs. In this way, the history of immigration also parallels the history of American urbanization.

As immigrant settlement patterns have shifted alongside those of the native-born population, immigrant metropolitan settlement trends since 1990 have taken at least two new turns. For most of the twentieth century, the majority of immigrants were drawn to only a handful of established gateways. But new opportunities in metro areas with little history of receiving immigrants led to significant spikes in the foreign-born populations of these places.

In a second shift, immigrants began bypassing cities to settle directly in suburban areas. During industrialization in the early part of the twentieth century, immigrants moved to cities to be close to jobs. Now, as jobs have decentralized and suburban opportunities have opened up, there are more immigrants residing in suburbs than in cities. During the first decade of the twenty-first century, as regions experienced sluggish recovery following the recession, immigration to the United States slowed.

These new patterns are not without conflict and stress, especially as major institutions in the newest metropolitan destinations now confront the challenge of how to serve this diverse population. Many areas have yet to recover from the effects of the recession, and immigrants are often viewed as competitors for jobs and scarce public resources. In some of the metropolitan areas that recently experienced fast immigrant growth, state and local measures to control immigration, especially unauthorized immigration, have been proposed or legislated. But other areas have welcomed immigrants, including places with well-established foreign-born populations that have been integrating immigrants since mid-century or prior. Moreover, cities such as Detroit, Pittsburgh, and Dayton would like to attract and retain immigrants to stem

population loss and to stimulate economic activity; those regions are putting out the welcome mat for immigrant newcomers. These distinct and shifting patterns of

receptivity will no doubt yield future changes to twenty-first-century immigrant settlement patterns.

ENDNOTES

Author's Note: I would like to acknowledge the excellent research assistance provided by Nicole Svajlenka.

- ¹ Minnesota Population Center, *National Historical Geographic Information System: Version 2.0* (Minneapolis: University of Minnesota, 2011), <http://www.nhgis.org>.
- ² U.S. Census Bureau, "Social Characteristics of the Population, for Counties: 1960," *U.S. Census of Population: 1960*, vol. 1, *Characteristics of the Population* (Washington, D.C.: U.S. Government Printing Office, 1963), Table 82.
- ³ The Brookings Institution, "State of Metropolitan America Indicator Map," http://www.brookings.edu/research/interactives/state-of-metropolitan-america-indicator_map#/?subject=7&ind=70&dist=0&data=Number&year=2010&geo=metro&zoom=0&x=0&y=0.
- ⁴ See Nancy Foner, *From Ellis Island to JFK: New York's Two Great Waves of Immigration* (New York: Russell Sage Foundation, 2000); and Aristide Zolberg, *A Nation by Design: Immigration Policy in the Fashioning of America* (New York: Russell Sage Foundation, 2006).
- ⁵ Sukkoo Kim and Robert A. Margo, "Historical Perspectives on U.S. Economic Geography," in *Handbook of Regional and Urban Economics*, 1st ed., vol. 4, ed. J. Vernon Henderson and Jacques-François Thisse (Amsterdam: Elsevier, 1986), chap. 66, 2981–3019.
- ⁶ Charles Hirschman and Elizabeth Mogford, "Immigration and the American Industrial Revolution from 1880 to 1920," *Social Science Research* 38 (2009): 897–920.
- ⁷ Figure 3 shows "metropolitan areas" for each decade. These are constructed at the county level and are consistent throughout. While metropolitan areas as we know them today did not exist in the early part of the twentieth century, full metropolitan area definitions for 2010 are used for the sake of making consistent comparisons. See the earlier methodology section for a more detailed discussion.
- ⁸ Data on absolute change not shown.
- ⁹ See Audrey Singer, "The Rise of New Immigrant Gateways" (Washington, D.C.: Brookings Institution Center on Urban and Metropolitan Policy, February 2004), http://www.brookings.edu/~media/research/files/reports/2004/2/demographics%20singer/20040301_gateways.pdf; Audrey Singer, Susan W. Hardwick, and Caroline B. Brettell, eds., *Twenty-First Century Gateways: Immigrant Incorporation in Suburban America* (Washington, D.C.: Brookings Institution Press, 2008); and Matthew Hall, Audrey Singer, Gordon F. De Jong, and Deborah Roempke Graefe, "The Geography of Immigrant Skills: Educational Profiles of Metropolitan Areas" (Washington, D.C.: Brookings Institution Metropolitan Policy Program, June 2011), http://www.brookings.edu/~media/research/files/papers/2011/6/immigrants%20singer/06_immigrants_singer.pdf.
- ¹⁰ Hall et al., "The Geography of Immigrant Skills."
- ¹¹ See *ibid.* for listing of all metropolitan areas by gateway type.

¹² Singer, “The Rise of New Immigrant Gateways.”

*Audrey
Singer*

¹³ Singer et al., *Twenty-First Century Gateways*.

¹⁴ See Jill H. Wilson and Audrey Singer, “Immigrants in 2010 Metropolitan America” (Washington, D.C.: Brookings Institution Metropolitan Policy Program, October 2011), http://www.brookings.edu/~media/research/files/papers/2011/10/13%20immigration%20wilson%20singer/1013_immigration_wilson_singer.pdf. Only Des Moines and Austin did not double their immigrant populations between 2000 and 2010.

Immigrants in New York City: Reaping the Benefits of Continuous Immigration

Mary C. Waters & Philip Kasinitz

Abstract: Using New York City as an example, this essay examines how American cities that have a long and continuous history of absorbing immigrants develop welcoming institutions and policies for current immigrants and their children. Cities such as Chicago, San Francisco, and New York have been gateway cities for many previous waves of immigrants and continue to absorb new immigrants today. The ethnic conflicts and accommodations of the nineteenth and twentieth centuries continue to shape the context of reception of today's immigrants. In contrast to "new destinations," which in recent years have often been centers of anti-immigrant sentiment and nativist local social policies, New York has generally adopted policies designed to include and accommodate new immigrants, as well as repurposing institutions that served earlier European immigrants and native-born African Americans and Puerto Ricans. The continuing significance of race in the city is counterbalanced in the lives of immigrants by a relative lack of nativism and an openness to incorporating immigrants.

New York . . . is a city in which the dominant racial group has been marked by ethnic variety and all ethnic groups have experienced ethnic diversity. Any one ethnic group can count on seeing its position and power wax and wane and none has become accustomed to long term domination, though each may be influential in a given area or domain. None can find challenges from new groups unexpected or outrageous. While this has not necessarily produced a reservoir of good feeling for groups different from one's own, the evolving system of inter-group relations permit accommodation, change, and the rise of new groups.

—Nathan Glazer and Daniel Patrick Moynihan,
*Beyond the Melting Pot*¹

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(*See endnotes for complete contributor biographies.)

Immigration is a national issue, yet it is experienced locally. What sociologists Alejandro Portes and Rubén Rumbaut term the "context of reception"² varies greatly by region of the United States, a fact that has become more important in recent years as states, cities, and towns have undertaken constitu-

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tionally dubious efforts to craft their own immigration policies. Local contexts of reception are framed by many factors: demography, the local labor markets, and the distribution of political power, just to name the most obvious. They are also shaped by history. Traditional gateways greet newcomers with institutions, political cultures, and social expectations about the role of immigrants different than those of new destinations. Nowhere is this more obvious than in New York City, home to the nation's largest concentration of immigrants. Immigration in New York is a palimpsest in which the life chances of today's newcomers are shaped by a history of which they are often only barely aware. In this essay, we use New York City to explore how ethnic conflicts and accommodations of the past shape the position of immigrants today.

Demographer Audrey Singer has divided America's immigrant-receiving communities into four broad categories.³ There are *former gateways*, such as Detroit, Philadelphia, Milwaukee, and Cleveland. These cities, mostly in the Northeast and Midwest, all had large and diverse immigrant populations at the peak of the mass European migration to United States at the turn of the twentieth century. That diversity shaped their politics and cultures, at least for a while. Today, however, these cities have mostly lost their allure for newcomers and natives alike, as evidenced by their declining populations. Some of the educational, social, and cultural institutions that fostered the incorporation of earlier immigrants and their children survive, but most have fallen by the wayside.

There are also *contemporary gateways* – cities such as Los Angeles, Miami, San Diego, and Houston. Having now received large numbers of immigrants for nearly a half-century, such cities can no longer be seen as new immigrant destinations. Yet

having become significant immigrant destinations only since the late 1960s, their cultural and institutional infrastructure of immigrant reception was largely created in a post-civil rights context.⁴ Of course, these communities do have an immigrant past. Indeed, several of them were founded as Mexican cities and faced their first immigration crisis when an influx of English-speaking Anglo-Americans transformed their culture and politics in the nineteenth century. Some also received an influx of Mexican immigrants during the Mexican revolution, as well as some European immigrants and their children in the mid-twentieth century. Yet only after the 1960s did these cities become major gateways for a sizable portion of America's new immigrants. Local institutions had little in the way of immigrant-receiving traditions, and the white European-origin populations were often generations removed from their own immigrant roots. Thus in Los Angeles, for instance, when new immigrants took up styles of politics created in part by struggles of the long-standing Mexican American community, issues were often articulated as Mexicans versus Anglos; immigrant history was a source of conflict, not a shared tradition and common origin.

The third category is made up of what are now being called *new destinations*.⁵ These are communities that received very little immigration prior to the 1990s, but where the immigrant population has grown rapidly over the past two decades. The new destinations are mostly suburbs and small towns, often in the South and the Midwest, although the term is also sometimes applied to major cities, including Nashville and Las Vegas. They are home to a relatively small portion of the nation's immigrants, yet they are noteworthy for the speed with which they have been transformed into diverse communities and the virulence of the politics

that has often accompanied this transformation.

Finally, there is the handful of major cities that are *continuous gateways*. These cities have been important immigrant destinations for well over a century. Three American cities were significant immigrant gateways in 1900, 1990, and 2010: New York, Chicago, and San Francisco.⁶ These cities managed to integrate immigrants of European origin and their descendants throughout the twentieth century, as well as attracting a much more diverse immigrant flow during the past fifty years. The origins of the immigrants have changed, but these cities' role as points of entry into U.S. society has remained constant. In such cities, the immigrant population is often highly diverse, as migrants who entered at different times were often from different regions.

Therefore, the immigrant/native division does not easily map onto racial cleavages. Because they are not overwhelmingly recent arrivals, the portion of the immigrant population that is undocumented tends to be lower in states with a continuous gateway. In New York State, the undocumented population is estimated at about 12 percent of all immigrants; in California, it is around 26 percent. By contrast, nearly half of all immigrants in Arizona and the majority of immigrants in such new destination states as Georgia and North Carolina are estimated to be unauthorized.⁷ Does the long history of immigrant integration make a difference in the lives of current immigrants and their children in these continuous destinations? Do legacies of the past make a difference in current-day lives? Considering the example of New York – by far the largest and most diverse of these cities – we think it does.

New York City today is an advanced outpost of the demographic diversity that is transforming the nation. “Non-Hispanic

whites” now make up less than one-third of the city's population. Thirty-six percent of the city's population is foreign born – including 27 percent of whites, 32 percent of blacks, 41 percent of Hispanics, and 72 percent of Asians – and many of the “natives” are in fact the young children of immigrants. Whites are now a minority in the city, and the numbers of the “traditional” native minority groups – African Americans of native parentage and Puerto Ricans – are also in decline. Immigrants make up an even larger portion of the city's young adults, and most of the city's children have immigrant parents.

These young people grow up amidst many institutions that were built for past generations of immigrants and their descendants. The exclusion and mistreatment of immigrants in the past led to the creation of many of the city's most immigrant-friendly institutions. Catholics and Jews created schools, universities, hospitals, day camps, sports leagues, and nursing homes because they either did not feel comfortable in or were actively excluded from established institutions. As the original immigrants who needed those institutions moved away or assimilated into the middle class and the demography of the neighborhoods around those institutions changed, the institutions began to serve the newcomers and their children. In a country like the United States, which has no federal agency devoted to immigrant assimilation (unlike many immigrant-receiving countries), these local institutions and local government actions are resources that facilitate immigrant integration and social mobility.

Catholic elementary and high schools are an example. Many Catholic immigrants in the nineteenth century did not feel welcome in the Protestant-dominated public schools. Over time, and especially during the height of immigration at the turn of the twentieth century, they founded a net-

work of Catholic schools. By 1920, there were 1.8 million students in Catholic schools nationwide. New York City was home to many of these Catholic schools, which educated the children and grandchildren of Irish, Italian, and Polish immigrants. At their peak enrollment in the 1960s, the Catholic schools had already begun to enroll the African American and Puerto Rican children whose parents came to the city seeking the same better life. As the third-generation whites began to leave the city or chose other forms of education, the Catholic schools began to attract the children of the new immigrants coming to New York from all over the globe. Today, the Archdioceses of New York and Brooklyn enroll more than 100,000 children, the majority nonwhite, and at least a quarter of whom are not Catholic, but whose parents scrape together the average \$3,500 a year in tuition for a better education than they believe the local public schools can provide.

Most children of immigrants attend the city's public schools, which came into being at the height of immigration and have a long history of serving immigrant children. One part of the mission of the public schools has been to "create" American citizens. These schools currently serve over a million children, with about 150,000 classified as English-language learners. The schools translate basic information, including report cards for parents, into nine languages: Arabic, Bengali, Chinese, French, Haitian-Creole, Korean, Russian, Spanish, and Urdu. This covers about 95 percent of the city's families, and for the remainder there is a phone translation service that allows school personnel to speak to parents in 109 languages, including Malagasy, Khmer, Serbian, Gujarati, and even Gaelic and Yiddish.

After graduation, many of these young people enroll in the City University of New York (CUNY), which is not only the

largest urban university in the United States but one of the largest concentrations of first- and second-generation immigrants in any institution in the country. The first of its colleges, City College, is widely remembered for having provided a free university education to many second-generation Jewish immigrants who were excluded from Ivy League institutions because of quotas and anti-Semitism. Today, CUNY enrolls 217,000 degree-credit students who trace their ancestries to 205 countries and speak 189 languages; 43 percent of these students are themselves immigrants, and the vast majority are either first- or second-generation Americans.

The civil rights movement and the urban riots of the 1960s also led to the development of institutions specifically aimed at non-whites: museums celebrating African American history, public colleges designed for and located in Puerto Rican and African American communities, and youth programs to socialize young people away from crime and toward a better life. As non-whites, many of the city's Latino, black, and Asian newcomers can take advantage of these institutions as well. Hostos Community College, founded in 1968 to meet the demands of Puerto Rican activists for an institution of higher education in the South Bronx, now enrolls Dominicans as its largest demographic group. Medgar Evers College, founded in 1970 in the predominantly African American community of Bedford Stuyvesant after pressure from community organizations, including the NAACP, now enrolls students from all over the world, and has thriving clubs for African, Latin American, and Haitian students.

New York's local government has also generally taken a firm pro-immigrant stand – a sharp contrast to many local governments elsewhere in the country. While Arizona and Alabama have passed laws designed to prevent undocumented people from getting public services, and to

identify, arrest, and deport them, the New York City Mayor's Office of Immigrant Affairs has given advice to undocumented immigrants about the city services they have a right to receive. The website of the office features the mayor's Executive Orders 34 and 31 guaranteeing "privacy" to immigrants asking for city services and ordering city workers to protect the confidentiality of any immigration-status information they learn about people.

Interestingly, the other continuous gateways have largely followed New York in bucking the anti-immigrant trend among American localities. In 2011, Chicago Mayor Rahm Emanuel established an Office of New Americans, similar to the Immigrant Affairs Office in New York, and in 2012, he unveiled the "Chicago New Americans Plan," a set of policy initiatives whose goal is to make Chicago "the most immigrant friendly city in the nation."⁸ San Francisco, long known for its immigrant-friendly policies, is also a "sanctuary city" in which local authorities generally limit their cooperation with federal immigration officials.

While thirty-one states have passed some sort of law requiring that government business be conducted in English, New York is doing a great deal to accommodate the one-half of New Yorkers who speak a language other than English at home, as well as the 1.8 million people who have limited English proficiency. In 2008, the mayor ordered every city agency that has direct contact with New Yorkers to develop a policy to ensure communication with people who do not speak English. All essential public documents are now translated into the most commonly spoken languages – Spanish, Chinese, Russian, Korean, Italian, and French Creole – and a phone translation service is available from the city for these and other far less common languages.

In some cases, post-1965 immigrants have also benefited from direct family or other

connections with earlier immigrant communities. In New York City's West Indian and Chinese communities, for example, the earliest post-1965 immigrants were sometimes connected to the smaller but substantial coethnic communities of pre-1924 immigrants.⁹ In other cases, the connections are institutional. While many of the approximately 300,000 Jews from the former Soviet Union who settled in New York after 1980 were probably related to the descendants of pre-1924 immigrants, few were aware of specific connections. Almost all, however, benefited from resettlement programs, English language and job training programs, educational support, as well as financial assistance from community-based social service organizations run by their co-religionists.¹⁰

The origins of this dense Jewish social service infrastructure can be traced to efforts by the more assimilated German Jews to aid Eastern European newcomers at the end of the nineteenth century. Over time, these organizations were taken over by the Eastern Europeans, who would later turn their attention to aiding Holocaust-era refugees and still later to the "new" immigrants from the former Soviet Union.¹¹ While the Jewish social service infrastructure in New York is particularly dense, similar church and social service-based organizations also made connections between older and newer waves of Polish and Greek immigrants.

Even new immigrant groups with no connection to earlier communities may benefit from the legacies of previous migrants. Older groups may serve as "proximal hosts" for newer ones.¹² Dominican, Mexican, and Ecuadoran migrants often initially moved into Puerto Rican neighborhoods, where they benefited from services available in Spanish. Puerto Rican civil rights, social service, and cultural organizations reached out to serve these immigrants and over time often transformed themselves

into pan-Latino organizations with a broadly “Hispanic” agenda. Similarly, African American civil rights and social service groups often found themselves in the “immigrant aid” business as the communities they served became home to growing numbers of (usually black) immigrants.

Elected officials and labor union leaders who had come to power representing one group also frequently found themselves reaching out to newcomers – a strategy that in the New York context made more sense than an anti-immigrant stance.¹³ We doubt that organizations like the Henry Street Settlement or the Educational Alliance, established for earlier generations of newcomers, drew Asian and Latino newcomers to the Lower East Side. Yet the fact that such local groups exist does benefit the children of immigrants with services largely absent in “new” immigrant destinations.

Of course, relations between newer and older groups rarely run smoothly in the crowded, competitive city. Established groups seldom simply put out the welcome mat for newcomers. Ethnic succession struggles have been fought in New York’s neighborhoods, industries, labor unions, churches, in local politics, and on the streets since at least the 1840s. Sometimes reasonable accommodations are reached; other times things get ugly (remember *West Side Story*). Newcomers often grow impatient with their proximal hosts, and old-timers can bitterly resent what they see as a “take over” of “their” turf. When the established groups are native African Americans and Puerto Ricans, as has often been the case in recent years, rivalries can be particularly bitter, because they add to the perception that the native minorities are, once again, being surpassed by new immigrants, albeit now generally black and Latino ones.

You can hear these resentments in mutterings on CUNY campuses such as Hostos

and Medgar Evers, or when East Harlem’s Museo del Barrio shifts its focus from specifically Puerto Rican to broadly Latin American culture. You could see it clearly in 2012, when veteran congressman Charles Rangel, whose Harlem seat has been represented by an African American since 1945, came within a few hundred votes of losing his seat to a Dominican immigrant. Still, if New York seems perennially beset by small ethnic struggles, its diversity of groups, its complex quilt of overlapping interests and alliances, and the broad acceptance of the idea that ethnic succession, if not always pleasant, is both legitimate and inevitable have generally prevented city-engulfing racial or ethnic conflagrations.

Perhaps even more important than the actual terrain of competition and cooperation between groups is how immigration is understood and talked about. In New York, the discussion of immigrant incorporation often begins with reference to earlier immigrants. Many New York whites (and a sizable portion of the city’s African Americans who are of Caribbean origin¹⁴) *see themselves* as members of ethnic groups and the descendants of immigrants. This is not just because a larger portion of local whites (and blacks) *are* descendants of late-nineteenth- and early-twentieth-century immigrants. It is also because New York’s traditions, neighborhoods, and ethnically concentrated labor force¹⁵ encourage them to see themselves that way. While cousins who crossed the Hudson River may have begun to regard themselves as “un-hyphenated” whites, those who remained in New York often had reason to continue to define themselves in ethnic terms – even three, four, or five generations past Ellis Island.

The importance of immigration in contemporary New York City is seen not only in the lives of the immigrants themselves,

but also in those of their American-born children, the “second generation.” When we ask what sort of New Yorkers the newcomers will be – and what sort of New York they are creating – we often must look to this second generation for answers. By 2009, this American-born second generation constituted approximately 22 percent of the city’s population and 24 percent of the young adult (aged 18 to 32) population. Another 11 percent of this age group belongs to what Rubén Rumbaut has termed the “1.5 generation”: those who were born abroad but arrived as children and came of age in the United States. Another 23 percent migrated as young adults.¹⁶ Together, these groups make up more than half of all young adult New Yorkers, and they far outnumber the children of white natives, the group many Americans still think of as the “mainstream.”

The growth of this population is made all the more important by the aging of the native population and the impending retirement of the large baby boom cohort. For better or worse, the children of immigrants will play an expanding role in the city’s life in the coming decades. In an effort to understand the second generation and the challenges it faces, we (along with our colleague John H. Mollenkopf) undertook a study of young adults whose parents are immigrants from around the globe. The “Immigrant Second Generation in Metropolitan New York” project surveyed about 2,000 young adults of Chinese, Dominican, Russian-Jewish, South American (Colombian, Ecuadoran, and Peruvian), and West Indian immigrant parentage. For comparative purposes, we also surveyed young adult New Yorkers of native black and native white parentage as well as mainland-born Puerto Ricans. The survey was supplemented with life history interviews with about 10 percent of the respondents and a series of linked ethnographic projects.¹⁷

The study revealed that by most measures, these young people are rapidly “assimilating” into American society. Language assimilation is particularly dramatic, a finding that is consistent with research in the rest of the country.¹⁸ Nor is there much reason to worry about divided loyalties. Few children of immigrants stay deeply connected to their parents’ homelands. In general, the young people we spoke to tended to see themselves as Americans and “New Yorkers,” albeit ethnic ones. They are more likely than other New York residents their age to have grown up in the city (many “native” young adult New Yorkers are, in fact, newcomers from other parts of the United States), and they often identify strongly with the city’s culture and institutions.

Yet there are also reasons to be concerned about the second generation’s future. Racial differences among the groups we studied are marked, if somewhat less so than among the children of natives. By most measures of economic and educational achievement, the black and Latino children of immigrants, while generally better off than black and Latino natives, still lag well behind Asians and whites. Many of the young people report experiencing discrimination in daily life. For dark-skinned children of immigrants, negative encounters with the police are common and a source of considerable frustration and alienation.¹⁹ Perhaps because of their youth, the second generation also has yet to enter the city’s political leadership proportionate to their numbers, although the recent emergence of several high-visibility second-generation politicians – congresswoman Yvette Clarke, city controller John Liu, and New York’s first Asian American congressperson, Grace Meng, prominent among them – suggests that this may be changing.

Finally, it is worth noting that as New York’s second generation sets the tone for

the city's urban culture, they demonstrated a fluid and nuanced approach to the oldest and most vexing of American social divides: race. Much of today's second generation does not fit easily into American racial boxes and categories. Racism continues to tragically circumscribe many people's life chances, but racial boundaries are blurring as the categories become more complicated. And young people – both the second generation and those who grow up with them – seem more comfortable with that fact than their elders. In a world where almost everyone's family is from somewhere else, ethnicity is a source of everyday banter. One 18-year-old told us about how often people tried to guess her identity: "I have been asked if I am Egyptian, Cuban, Greek, Pakistani. I say no, I am Peruvian, Spanish. I like my culture and I am proud to be Peruvian, the Incas and all that." This is not a world of balkanized groups huddled within their own enclaves, but rather of hybrids and fluid exchanges across group boundaries. Most of our respondents took it for granted that having friendships with people from a variety of backgrounds is a good thing, that it makes one a better, more fully developed person.

Even for those defined as "black," race is not the monolithic barrier it was in the mid-twentieth century. Immigrants and their children who are defined as black often do face serious racial barriers. Indeed, many of the victims in the city's most well-known incidents of racial violence – the attacks in Howard Beach and Bensonhurst, for example, or the police shooting of street vendor Amadou Diallo – were in fact immigrants. At the same time, members of the second generation have benefited from the institutions, political strategies, and notions of rights developed as a legacy of the civil rights movement. Ironically, affirmative action and other policies designed to redress long-standing American

racial inequities often work better for immigrants and their children than they do for the native minorities for whom they were designed.²⁰ Thus, the fact that children of immigrants have come to be categorized as members of native "minority groups" does not mean their experience has been the same as that of the native minorities. They clearly do suffer much of the same prejudice and discrimination, but they do not inherit the scars and handicaps of a long history of racial exclusion.

In post-civil rights America, the heritage of the African American struggle for racial justice has given young people new strategies, vocabularies, and resources for upward mobility.²¹ While the African American experience of discrimination has been harsher than that of other groups, the African American civil rights struggle has also provided a heroic model for opposing discrimination. Today's children of immigrants are quick to take up this model. While their immigrant parents are often willing to accept unfair treatment, the second generation children are quick to challenge discrimination whenever they see it. In the post-civil rights era, this is one of the ways in which they are becoming American.

They also have the advantage of becoming American in New York City, where they can feel included even if they experience discrimination. In this hyper-diverse world, assimilation (if that is the right word) seems to happen faster and with less angst than in the past. The children of European immigrants who arrived at the beginning of the twentieth century often felt forced to choose between their parents' ways and those of American society. Many were embarrassed when their parents could not speak English and even changed their names to fit in. As the Italian American educator Leonard Covello later recalled, "We were becoming American by learning how to be ashamed of our parents."²²

By contrast, today's second generation is far more at ease with both their American and ethnic identities. One woman told us that learning Russian from her parents has been beneficial for her because "there's a certain richness that comes along with having another culture to fall back on. People are always intrigued. They ask what does it mean to be Russian and you feel a little special to explain and it adds color to you." Far from being "torn between two worlds," the children of immigrants increasingly make use of the second generation's natural advantage: the ability to combine the best of their parents' culture with the best that America has to offer. Twenty-three-year-old Maria said that being both American and Colombian was "the best of two worlds. Like being able to keep and appreciate those things in my culture that I enjoy and that I think are beautiful, and, at the same time, being able to change those things which I think are bad."

The intergenerational progress and rapid assimilation of these young people is often missed in immigration debates that are focused only on recent arrivals. A more long-term view, one that takes into account the progress of the second generation, would do much to inform local and national conversations about immigration. Yet, lest we draw too optimistic a portrait about the incorporation of the new second-generation New Yorkers, a few notes of caution are in order.

The first is economic. Our study was conducted during very good economic times – indeed, toward the end of what was, for the city, a remarkable period of economic growth. Although we do not know how our respondents fared in the great recession, it is worth noting that many of the most successful were concentrated in industries that were particularly hard hit: high tech, construction,

and finance. Upwardly mobile members of the second generation have fewer familial resources to fall back on than do their native white counterparts. And what of the very large cohort of second-generation New Yorkers who had the historical misfortune to enter the labor force just when the recession hit? Will second-generation resilience help them reinvent themselves in a changing economy? Or will they find themselves locked out of opportunities by better-established groups, now anxious to safeguard their own position in leaner and meaner times?

Even after the present downturn passes, the need to integrate such a large number of young people from immigrant backgrounds into a twenty-first-century labor force presents profound challenges for the city's public educational systems. Nothing could be more vital to the city's future than the successful incorporation of the children of immigrants; thus, investment in education is crucial. Yet the question of how to pay for this investment during a time of austerity and increased popular reluctance to pay for public goods represents a serious challenge.

There is also the question of emerging differences among various second-generation groups, and between second-generation and native minority groups, in the degree to which they have been able to successfully make use of the educational system. Moves toward greater diversity and increased choice in public education at all levels have, on the one hand, guaranteed that *some* students from modest backgrounds have access to an excellent education. Yet they have also deepened inequalities within the system.²³

The children of Asian and former Soviet immigrants have done extremely well – better by most measures than the children of native whites. About 12 percent of the city's population, Asians are now in the majority at the city's most competitive

public high schools. The declining numbers of native black and Latino students at these elite high schools and the more highly regarded CUNY campuses are alarming. Even among blacks and Latinos, real cleavages are emerging – although the use of racial terms like *black* and *Latino* tends to obscure this fact. The children of some Latino immigrant groups (notably South Americans) are doing better than others, and the children of all immigrant groups, including blacks from Africa and the West Indies, are doing better than native African Americans and Puerto Ricans.

We urgently need new research to understand the different rates of educational success. Moreover, we should not let the success of large parts of New York's second generation mask the continuing failure of the city's institutions to address the poverty and social isolation of parts of the native minority population. One ironic effect of an increasingly choice-based school system is that African Americans remain highly segregated in the city's schools even while some traditionally black residential areas including Harlem and Bedford Stuyvesant have been integrated by gentrification. For all the talk of diversity in the city's best high schools, racial integration has all but disappeared from the school reform agenda. Many of the city's most celebrated charter schools take their nearly all-black student bodies for granted, even while the growing number of whites and Asians now living within their catchment areas travel to schools in other parts of the city.

Although it is rarely acknowledged, the Bloomberg administration's school reform efforts have pursued nearly opposite strategies when it comes to educating different groups. Among whites (now returning to the system in significant numbers), Asians, and better-off Latino immigrants, the neighborhood school is becoming a thing of the past. High school students are ex-

pected to take advantage of New York's extensive mass transit system to avail themselves of the best opportunities the huge city has to offer. African Americans and poorer Latinos, however, are still largely educated in neighborhood schools and local charter schools, which sidestep competitive admissions processes and discourage students from venturing out into the big, multicultural city. The most competitive of the city's public schools, usually ranked among the nation's best, celebrate the astounding diversity of their talented students. Yet this "diversity" obscures the virtual disappearance of native African Americans from these schools.

Finally, we should note the effects of legal status. While New York City has never had as large a concentration of undocumented immigrants as communities closer to the southern border, many parents of our respondents lacked legal status for part of the time while their children were growing up. Indeed, it was not uncommon for second-generation New Yorkers to grow up in "mixed status" households, which include undocumented immigrants, legal permanent residents, naturalized citizens, and birthright citizens. Up until the mid-1990s, this diversity of legal status had little impact on the children raised in such households. Deportation was rare and largely restricted to those with serious criminal records. And while regularizing legal status was never easy, opportunities to do so did exist. Eventually most of those who wanted to become "legal" were able to do so.

Since the mid-1990s this has no longer been the case. The United States has been engaged in what sociologist Robert Courtney Smith calls a "cruel natural experiment."²⁴ By restricting the opportunities of long tolerated, if technically illegal, immigrants to obtain legal status, we have created a large population of semi-permanent undocumented immigrants

who are part of the city economically, socially, and culturally but not legally or politically. This is a profoundly troubling situation for a democratic society. Despite the strong pro-immigrant stance taken by city government and the generally pro-immigrant stance of the population, the crisis of the undocumented makes clear that the incorporation of immigrants – and of the second generation – is a problem the city cannot solve on its own.

New York City's attitude toward immigrants highlights a conceptual confusion that marks much of the politics and scholarship about immigration: namely, the conflation of racism and nativism. Racism and nativism are often interrelated, of course. Attacks on immigrants in the past and present are often made in racial terms, and attacks on members of racial minority groups sometimes emphasize their alleged foreignness. Still, the history of New York and the other continuing gateways – which combine a relatively warm welcome for immigrants with frequent hostility toward African Americans and other “racial” minorities – reminds us that nativism and racism are fundamentally different ways of thinking even when their victims are actually the same people. New York's proud history of incorporating immigrants stands in sharp contrast to its history of relations with its “racial” minorities. At various points in American history, blacks have been subject to virulent racism, and European immigrants were subject to virulent nativism. Asians and Hispanics were subject to both, although the degree to which their exclusion and suffering was due to one or the other is a subject of debate.

Scholars sometimes try to understand the immigrant experience in racial terms, and vice versa. Among the New York intellectuals of the 1950s and early 1960s it was common to assert that while Southern

racism represented a unique and deeply rooted caste-like form of inequality, migration to the Northern cities would allow blacks to follow a “Northern model” of immigrant-like upward mobility. The boldest statement of this position was probably Irving Kristol's 1966 *New York Times* essay, “The Negro Today is Like the Immigrant of Yesterday.”²⁵ Nathan Glazer and Daniel Patrick Moynihan's classic *Beyond the Melting Pot* (1963) provides a more nuanced example of the application, with some caveats, of the “immigrant” model to African Americans.²⁶

Recently, observers have been more likely to turn the analogy around. The growing literature on the construction of “whiteness” among nineteenth-century European immigrants reminds us of both the intensity and the racial – that is to say, pseudo-biological – basis of hostility toward Celtic as well as Southern and Eastern European immigrants. For these writers, whiteness was a status achieved as the outcome of social and political struggles.²⁷ Similarly, other groups – Mexican Americans most prominent among them – are increasingly seen as having been “racialized”: considered over time to be a “racial” minority analogous to African Americans.²⁸

Whatever their historical connections, it probably makes more sense to see racism and nativism as distinct forces in contemporary life. As non-whites, today's immigrants experience some of the best and the worst legacies of American history and intergroup relations. In today's continuing destination cities, and particularly in New York City, nativism, while present, is not particularly strong compared to other parts of the country. The vitality of the city as a global crossroads and the diversity of its inhabitants are generally understood as positive, and this ideology affects the politics, policies, and discourse about immigration in the city.²⁹ Thus,

nonwhite immigrants enter a city that is relatively welcoming and hospitable to immigrants *qua* immigrants, yet at the same time not very welcoming to them *qua* “non-whites.”

New York City does not provide immunity to American racism. Its demography and history have entrenched a great deal of racial inequality that shapes the experiences of both natives and new immigrants. Indeed, an overview of past and present conditions points out how completely Irving Kristol got it wrong: the native black, and arguably the Puerto Rican, experience has been profoundly *unlike* that of immigrants. Today, despite substantial post-civil rights era progress, the African American and native Puerto Rican communities in the city are highly segregated from whites, with substandard schools, high crime rates, aggressive policing, and high rates of imprisonment, unemployment, and health inequality.

Recent research on residential segregation shows these conflicting trends. Looking at the twenty most diverse metropolitan areas in the United States, sociologists John Logan and Charles Zhang show that two important trends characterize the pattern of racial distribution across neighborhoods. One trend is the stubbornly persistent hyper-segregation of blacks from whites in many cities. The other trend is the new growth of stably integrated “global” neighborhoods: census tracts where all four major racial ethnic groups – blacks, whites, Hispanics, and Asians – live side by side. New York, paradoxically, is at the forefront of both these trends.³⁰ Indeed, the level of black/white segregation in the city has barely changed since 1980. Yet about a third of whites (35 percent) live in these new global neighborhoods, along with 32 percent of Asians, 22 percent of blacks, and 28 percent of Hispanics.

On the one hand, Logan and Zhang conclude that these neighborhoods show that

stable integration is possible. Hispanics and Asians have moved into previously all-white neighborhoods without provoking white flight, and they have been followed by African Americans. On the other hand, whites living in such “diverse” neighborhoods can easily look around and conclude that they live in a postracial, cosmopolitan community; and to an extent, this is true. Yet it can also obscure the isolation and segregation of a large part of the poor and particularly the native African American community, the majority of whom continue to live in segregated census tracts.

In light of these ongoing problems, which affect immigrants of color as well as many native African Americans, some will no doubt see our insistence on the distinction between nativism and racism as a matter of semantics. Yet this distinction matters for the future integration of nonwhite immigrants and their descendants. Race, by definition, is immutable. Exclusion based on race creates a permanent (or at least very long-lasting) boundary, giving rise to reactive ethnicity and societal cleavages. Nativism could have the same result, but it does not have to. Even during peak periods of nativist sentiment, anti-immigrant attitudes in our nation of immigrants are always more ambivalent than racist ones.

The current upsurge of nativism underlines the degree to which the local context of reception counts. In the new immigrant destinations, the combination of very rapid in-migration and a concentration of unskilled undocumented immigrants has created a potent stew of anti-immigrant feeling and behavior.³¹ Immigrants now face restrictive local laws that sanction landlords who rent to undocumented people, target day laborers gathering in public places, and authorize police to inquire about legal status and share that information with federal authorities. These laws

Immigrants in New York City also restrict undocumented immigrants from any local aid or services.³² In 2010, state legislatures around the country considered 1,400 legislative bills targeting immigration, passing 208 of them.³³

In the continuous destinations, immigrants and their children are less affected by these nativist developments, at least so far. It is almost impossible to imagine such negative legislation being enacted in New York, or other contemporary and continuing gateway cities where the majority of immigrants live (cities such as similarly pro-immigrant San Francisco and Chicago). Whether the tolerance and acceptance that immigrants and their children

experience in New York City will spread to the rest of the country, or the intolerance and exclusion that characterizes other parts of the country will spread to places like New York, is an open question. Yet as America comes to grips with the increased diversity of its population, it is important to pay attention to those places where the tradition of managing diversity runs deep. New York City's history of successful immigrant integration is a resource for immigrants who settle there. Perhaps it could also serve as a resource or model for new destinations struggling with the complexities of diversity.

ENDNOTES

- * Contributor Biographies: MARY C. WATERS, a Fellow of the American Academy since 2006, is the M. E. Zukerman Professor of Sociology at Harvard University. Her publications include *Coming of Age in America: The Transition to Adulthood in the Twenty-First Century* (edited with Patrick J. Carr, Maria J. Kefalas, and Jennifer Holdaway, 2011), *The Next Generation: Immigrant Youth in a Comparative Perspective* (edited with Richard Alba, 2011), and *The New Americans: A Guide to Immigration since 1965* (edited with Reed Ueda, 2007).

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- ¹ Nathan Glazer and Daniel Patrick Moynihan, *Beyond the Melting Pot: The Negroes, Puerto Ricans, Jews, Italians, and Irish of New York City* (1963; Cambridge, Mass.: MIT Press, 1970), xiii.
- ² Alejandro Portes and Rubén G. Rumbaut, *Legacies: The Story of the Immigrant Second Generation* (Berkeley: University of California Press, 2001).
- ³ Audrey Singer, "Twenty-First Century Gateways: An Introduction," in *Twenty-First Century Gateways: Immigrant Incorporation in Suburban America*, ed. Audrey Singer, Susan W. Hardwick, and Caroline B. Brettell (Washington, D.C.: Brookings Institution Press, 2008), 3–21.
- ⁴ Nancy Foner and Roger Waldinger, "New York and Los Angeles as Immigrant Destinations, Contrasts and Convergence," in *New York and Los Angeles: The Uncertain Future*, ed. David Halle and Andrew A. Beveridge (New York: Oxford University Press, 2013).
- ⁵ Douglas S. Massey, ed., *New Faces in New Places: The Changing Geography of American Immigration* (New York: Russell Sage Foundation, 2010); Helen Marrow, *New Destination Dreaming: Immigration, Race, and Legal Status in the Rural American South* (Stanford, Calif.: Stanford University Press, 2011); Patrick J. Carr, Daniel T. Lichter, and Maria J. Kefalas, "Can Immigration Save Small-Town America? Hispanic Boomtowns and the Uneasy Path to Renewal," *The Annals of the American Academy of Political and Social Science* 641 (2012): 38; and Daniel T. Lichter, "Immigration and the New Racial Diversity in Rural America," *Rural Sociology* 77 (1) (2012): 3–35.

- 6 Audrey Singer, "Twenty-First Century Gateways: Immigrant Incorporation in Suburban America," paper presented at the Annual Meeting of the Association of American Geographers, April 18, 2007.
- 7 Steven A. Camarota, "Immigrants in the United States: A Profile of America's Foreign-Born Population" (New York: Center for Migration Studies, August 2012). Note that these estimates are based on the March 2011 Current Population Survey. This national survey does not have a sufficient sample size to make estimates by city.
- 8 "Mayor Emanuel Unveils First-Ever Chicago New Americans Plan," City of Chicago Press Release, December 4, 2012, http://www.cityofchicago.org/city/en/depts/mayor/provdrs/office_of_new_americans/news/2012/dec/mayor_emanuel_unveilsfirst-everchicago_newamericansplan.html.
- 9 See Philip Kasinitz, *Caribbean New York: Black Immigrants and the Politics of Race* (Ithaca, N.Y.: Cornell University Press, 1992); Peter Kwong, *Chinatown, N.Y.: Labor and Politics, 1930–1950*, rev. ed. (New York: The New Press, 2000).
- 10 Aviva Zeltzer-Zubida and Philip Kasinitz, "The Next Generation: Russian Jewish Young Adults in Contemporary New York," *Contemporary Jewry* 25 (2005): 193–225.
- 11 Many of these organizations also provide services for non-Jews, including immigrants from other groups and members of native minority groups.
- 12 David Mittelberg and Mary C. Waters, "The Process of Ethnogenesis among Haitian and Israeli Immigrants in the United States," *Ethnic and Racial Studies* 15 (3) (1992): 412–435.
- 13 See Amy Foerster, "'Isn't Anybody Here from Alabama?': Solidarity and Struggle in a 'Mighty, Mighty Union,'" and Nicole P. Marwell, "Ethnic and Postethnic Politics in New York City: The Dominican Second Generation," both in *Becoming New Yorkers: Ethnographies of the New Second Generation*, ed. Philip Kasinitz, John H. Mollenkopf, and Mary C. Waters (New York: Russell Sage Foundation, 2004).
- 14 Kasinitz, *Caribbean New York*; and Mary C. Waters, *Black Identities: West Indian Immigrant Dreams and American Realities* (Cambridge, Mass., and New York: Harvard University Press and Russell Sage Foundation, 1999).
- 15 See Roger Waldinger, *Still the Promised City?: African-Americans and New Immigrants in Post-industrial New York* (Cambridge, Mass.: Harvard University Press, 1996); and Stanley Lieberson and Mary C. Waters, *From Many Strands: Ethnic and Racial Groups in Contemporary America* (New York: Russell Sage Foundation, 1988).
- 16 Rubén Rumbaut, "Ages, Life Stages, and Generational Cohorts: Decomposing the Immigrant First and Second Generations in the United States," *International Migration Review* 38 (3) (2004): 1160–1205.
- 17 For details on the study, see Philip Kasinitz, John H. Mollenkopf, Mary C. Waters, and Jennifer Holdaway, *Inheriting the City: The Children of Immigrants Come of Age* (Cambridge, Mass.: Harvard University Press, 2008).
- 18 Portes and Rumbaut, *Legacies*; and Van C. Tran, "English Gain vs. Spanish Loss? Language Assimilation Among Second-Generation Latinos in Young Adulthood," *Social Forces* 89 (1) (2010): 257–284.
- 19 Mary C. Waters and Philip Kasinitz, "Discrimination, Race Relations, and the Second Generation," *Social Research* 77 (1) (2010): 101–132.
- 20 See John David Skrentny, ed., *Color Lines: Affirmative Action, Immigration, and Civil Rights Options for America* (Chicago: University of Chicago Press, 2001), in particular the essay by Hugh Davis Graham, "Affirmative Action for Immigrants?: The Unintended Consequences of Reform."

- ²¹ Douglas S. Massey, Margarita Mooney, Kimberly C. Torres, and Camille Z. Charles, "Black Immigrants and Black Natives Attending Selective Colleges and Universities in the United States," *American Journal of Education* 113 (2007): 243–271.
- ²² Irvin L. Child, *Italian or American? The Second Generation in Conflict* (1943; New York: Russell and Russell, 1970).
- ²³ Sean P. Corcoran, "How New York Students Have Fared Under High School Choice: A Bird's Eye View," unpublished paper, New York University, 2011.
- ²⁴ Robert Courtney Smith, "Mexicans: Civic Engagement, Education, and Progress Achieved and Inhibited," in *One Out of Three: Immigrant New York in the Twenty-First Century*, ed. Nancy Foner (New York: Columbia University Press, 2013).
- ²⁵ Irving Kristol, "The Negro Today is Like the Immigrant of Yesterday," *The New York Times Magazine*, September 11, 1966.
- ²⁶ Interestingly, by 1970, events had convinced Glazer and Moynihan that this analogy was increasingly problematic, as the long essay that introduces their book's second edition makes clear.
- ²⁷ See David R. Roedinger, *The Wages of Whiteness: Race and the Making of the American Working Class* (New York: Verso, 1991); Noel Igantief, *How the Irish Became White* (New York: Routledge, 1995); and Matthew Jacobson and Matthew Frye, *Whiteness of a Different Color: European Immigrants and the Alchemy of Race* (Cambridge, Mass.: Harvard University Press, 1998). However insightful and provocative this literature has been, historians increasingly view its central claims as overstated. While nineteenth-century eugenics and ideas about a hierarchy of races no doubt played a role in reception of European immigrants, no one would argue that the racism these immigrants experienced was remotely close to the virulent forms of racism experienced by blacks. The best empirical investigation of this difference remains Stanley Lieberson, *A Piece of the Pie: Blacks and White Immigrants since 1880* (Berkeley: University of California Press, 1980). The whiteness literature may also be marred by a certain literal-mindedness in its reading of nineteenth-century materials, which date from a time when the word *race* was often used more broadly than it is today.
- ²⁸ See George J. Sánchez, *Becoming Mexican American: Ethnicity, Culture, and Identity in Chicano Los Angeles, 1900–1945* (New York: Oxford University Press, 1993); and Edward E. Telles and Vilma Ortiz, *Generations of Exclusion: Mexican Americans, Assimilation, and Race* (New York: Russell Sage Foundation, 2008).
- ²⁹ Nancy Foner, *From Ellis Island to JFK: New York's Two Great Waves of Immigration* (New Haven, Conn.: Yale University Press, 2000); and Nancy Foner, "How Exceptional is New York? Migration and Multiculturalism in the Empire City," *Ethnic and Racial Studies* 30 (6) (November 2007): 999–1023.
- ³⁰ John R. Logan and Charles Zhang, "Global Neighborhoods: New Pathways to Diversity and Separation," *American Journal of Sociology* 115 (4) (January 2010): 1069–1109.
- ³¹ Mary C. Waters and Tomás Jiménez, "Assessing Immigrant Assimilation: New Empirical and Theoretical Challenges," *Annual Review of Sociology* 31 (2005): 105–125.
- ³² Daniel Hopkins, "Politicized Places: Explaining Where and When Immigrants Provoke Local Opposition," *American Political Science Review* 104 (1): 40–60.
- ³³ Brooke Meyer, Joy Segreto, April Carter, and Ann Morse, "2011 Immigration-Related Laws and Resolutions in the States" (Denver and Washington, D.C.: National Conference of State Legislatures, December 2011), <http://www.ncsl.org/issues-research/immig/state-immigration-legislation-report-dec-2011.aspx>.

Assimilation in New Destinations

Helen B. Marrow

Abstract: This article outlines a long-term research agenda on immigrant assimilation by calling on scholars to be more explicit about how we model and measure assimilation, and to move away from previously aspatial approaches to the topic. After briefly overviews the field, I draw on original qualitative data from a new immigrant destination region to highlight several places where I believe we scholars can better clarify definitions of and assumptions about assimilation, as well as choices about and interpretations of our data, to foster transparency and facilitate scholarly discovery. I conclude by arguing that scholars working in new immigrant destinations are well poised to examine how legal status – a key structural feature of the context of reception in a host society or locale – shapes assimilation processes and outcomes.

The geographic dispersal of immigrants away from traditional immigrant settlement areas toward an array of new and nontraditional settlement areas has been one of the most surprising trends in recent American immigration patterns.¹ By definition, new destinations are places with little previous experience receiving immigrants. Some, especially in the West and Midwest, are more accurately classified as reemerging destinations, since they harbored large shares of immigrants in the early twentieth century, but saw those shares dwindle by the 1970s, before the forces of geographic dispersal again began to pick up. Other destinations, especially in the South, had little experience receiving European, Asian, or Mexican immigrants at the turn of the twentieth century, and so can be considered true emerging areas of immigrant settlement.²

This article is a discussion of both immigrant assimilation in these new destinations and the study of immigrant assimilation itself. For the twin purposes of encouraging transparency and developing a stronger spatial lens within the field, I highlight several areas where I believe we scholars can better clarify definitions of and assumptions about assimilation, as well as choices about and interpre-

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tations of our data. Of course, any discussion of immigrant assimilation in new destinations is to some degree speculative, because assimilation, whether considered a process or an outcome, occurs over too long a period of time to be assessed accurately today. Though some researchers have focused on the very young second-generation children of foreign-born immigrants,³ immigrants have not resided in new destinations long enough to allow for a definitive analysis of intergenerational assimilation. Such an analysis will not be possible until the contemporary second generation comes of age and produces a third and fourth generation.

This discussion is also tentative because, as sociologists Victor Zúñiga and Rubén Hernández-León note, new destinations exhibit remarkable diversity.⁴ They range from rural agricultural markets and small company towns to diverse inner-ring suburbs and rapidly developing exurbs, in all regions of the country. Thus, any single attempt to analyze the state of assimilation in new destinations runs an inevitable risk of overgeneralization and oversimplification. Clearly, new destinations have increased the variety of economic, social, cultural, political, and institutional contexts of reception greeting immigrant newcomers in the United States today. This is important to recognize because, when combined with immigrants' own skills and characteristics, contexts of reception shape different mobility paths for different groups over time.⁵ Nonetheless, this article outlines a long-term research agenda on immigrant assimilation in new immigrant destinations in two ways: first, by calling on scholars to be more explicit about how we model assimilation in our studies; and second, by calling on scholars to move away from our heretofore aspatial approaches to the topic.

In their recent resurrection of assimilation theory, sociologists Richard Alba and Victor Nee define *assimilation* as “the decline of an ethnic distinction and its corollary cultural and social differences.”⁶ According to them, assimilation is the state of having achieved “parity in life chances,” regardless of ethnic background, and they consider immigrants to have entered the American mainstream once their ethnic background ceases to determine their opportunities and life chances. However, Alba and Nee clarify that immigrants can still maintain an ethnic identity even once part of the mainstream, and that factors other than ethnicity (particularly social class) can influence life chances. Viewed this way, assimilation is not only an *outcome* reflecting some convergence to a mean – complete when there is no longer any discernible gap attributable to ethnicity between immigrants and their descendants and a mainstream reference group. It is also a *process* reflecting movement toward convergence to that mean – which may occur over time or over generations, even while immigrants and their descendants have not yet reached parity with, or become indistinguishable from, the members of the mainstream reference group.

Viewing assimilation as both an outcome of and a process moving toward convergence to a mean affects the reference groups that we choose to include in our studies of assimilation. For instance, when assessing assimilation as an outcome of some convergence to a mean, scholars typically analyze differences between immigrants and their descendants and a mainstream reference group, typically one that is composed of: (a) native-born whites of native parentage; (b) native-born Americans of the same race or Hispanic origin (usually African Americans, but sometimes mainland-born Puerto Ricans or later-generation Mexi-

can Americans); or (c) all native-born Americans.⁷

When assessing assimilation as a process moving toward a convergence, however, scholars typically analyze differences between immigrants located at differing points on a continuum of spatial and temporal distances from the immigrant starting point. They might analyze differences between first-generation immigrants and comparable non-migrants left behind (an approach borrowed from research on migrant selectivity); between second-generation children of immigrants born in the United States and their first-generation immigrant parents (remembering that the latter are typically a highly selected group); between third-generation grandchildren of immigrants and both their second-generation parents and first-generation immigrant grandparents; and even, in perhaps the most novel approach, between second-generation children of immigrants born in the United States and comparable children born to non-migrants in the first-generation immigrants' countries of origin.⁸ Some scholars have begun to break down these generational categories further, comparing them by birth cohort in order to account for variations in the historical circumstances under which people of similar generational groups enter the country and grow up.⁹

In this way, if we scholars are clearer about the various approaches that we take to study immigrant assimilation, and if we appreciate that these approaches influence our choices of reference groups, then we can better understand divergent outcomes and conclusions already apparent in the literature. For example, if we compare second-generation children of Dominican immigrants with native-born whites, we might conclude that the second-generation children have experienced less assimilation than if our reference

group is instead their first-generation immigrant parents. This is because the former comparison yields a continuing ethnic distinction in many standard outcome variables vis-à-vis native-born whites, while the latter comparison highlights a process of significant upward mobility from the starting point of their immigrant parents.¹⁰

Likewise, if we compare third-generation children of Mexican immigrants with native-born whites, we might conclude that they have experienced less assimilation than if we compared them with their second-generation parents. And we would certainly conclude that they have experienced less assimilation than if we compared them with children born in Mexico.¹¹ We might also conclude that second-generation children of Mexican immigrants in San Antonio and Los Angeles have experienced less assimilation if we analyze them according to their generation group alone, rather than distinguishing by historical birth cohort as well.¹² The former strategy lumps together different cohorts of second-generation Mexican Americans into a single second-generation category – combining, for instance, the children of Mexican immigrants who crossed the border in 1920 with the children of Mexican immigrants who crossed the border in 2000. Such a strategy glosses over important differences in the historical circumstances that have shaped each cohort's trajectory, including the rise in average level of education of incoming first-generation Mexican immigrants, a dramatic shift away from Jim Crow-style racism in the Southwest, and deepening forces of globalization and deindustrialization over the second half of the twentieth century.¹³

Regardless of approach and choice of reference groups, a standard set of objective measures is typically employed by all social scientists who study assimilation,

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especially by those who undertake quantitative studies. These measures include: (a) *socioeconomic status*, defined as educational attainment, occupational specialization, and earnings; (b) *spatial concentration*, defined in terms of suburbanization and dissimilarity in spatial distribution; (c) *language assimilation*, defined in terms of English language ability and loss of mother tongue; and (d) *intermarriage*, defined by race or Hispanic origin, and only occasionally by ethnicity and generation.¹⁴ Some of the literature also tracks the “softer” side of assimilation by measuring expressions of ethnic and racial identification or cultural attitudes and practices, though I do not focus on these measures here.

However, a few innovative scholars have recently developed a new way of looking at immigrant assimilation. Building on novel scholarship conducted among second-generation immigrant youth in southern Florida,¹⁵ sociologist Min Zhou and her colleagues have noted that very little research has focused on how immigrants and their descendants themselves define, experience, and perceive their mobility and success. Zhou has raised the important question of whether later-generation outcomes are characterized differently by the subjects of study than by the scholars doing the analysis.¹⁶ Indeed, most research on assimilation remains heavily scholar-centered. To address this lacuna, Zhou and her colleagues take what they call a “subject centered” stance in their analysis of second-generation assimilation and mobility in metropolitan Los Angeles – one that privileges the second generation’s own lived experiences and perceptions, definitions, and measures of mobility and success over the standard scholarly measures and analysis. To be sure, there are observable correlations between the subjective evaluations of these second-generation Los Ange-

lenos and our standard – and perhaps more objective – measures of assimilation. However, there are enough interesting departures to suggest that point of view is as important to our analyses of assimilation as are approach and choice of reference group.

To illustrate, we scholars may view second-generation immigrant youths who pursue self-employment in the arts, entertainment, and even crime as evidence of some lack of assimilation with native-born whites. This judgment assumes that assimilation is an outcome-state dependent on immigrants’ convergence to standard, upper-middle-class measures of occupational specialization (for example, salaried white-collar employment), rather than the pursuit of occupations that these immigrants believe can afford them greater dignity, respect, independence, and self-sufficiency.¹⁷ Similarly, we may view second-generation Mexican immigrant youths who “only” graduate from high school or community college as evidence of some lack of assimilation with native-born whites. But this is because we consider assimilation to be an outcome-state dependent on immigrants’ convergence to a standard, upper-middle-class measure of educational achievement (such as four-year college completion), as opposed to completion of educational programs that immigrants believe constitute a worthy achievement and measurable progress relative to that achieved by their parents.¹⁸

Conversely, we may view second-generation West Indian and Filipino immigrant youths who achieve similar rates of educational attainment as native-born whites as confirmatory evidence of assimilation, even though these youths may have achieved *less* education than their immigrant parents.¹⁹ And we may also view second-generation Chinese, Vietnamese, Korean, and Russian Jewish

immigrant youths who achieve similar rates of educational and occupational attainment as native-born whites as confirmatory evidence of assimilation, even though these youths often feel “unsuccessful” and as though they are not “living up” to the high expectations of their parents, siblings, and coethnic friends.²⁰

Any serious evaluation of immigrant assimilation must tackle all these conceptual and operational concerns simultaneously. First, what is the general approach to, and definition of, assimilation – is it viewed as an outcome of some convergence to a mean, or as a process toward some convergence to a mean? Second, what is the reference group being used to measure assimilation – some mainstream reference group (and if so, defined as what), or some other group situated at a different spot along the immigrant continuum (and if so, where)? Third and fourth, what are the measures of assimilation, and from whose viewpoints do they derive – from scholars’ purportedly objective views, or from subjects’ own perspectives?

Taken together, these concerns also underscore an important distinction scholars often fail to make between the concept of assimilation – which implies merely similarity, or convergence, with cultural or social behaviors and outcomes – and the concept of intergenerational mobility – which implies upward or downward socioeconomic movement.²¹ As sociologist Herbert Gans has noted, immigrants and their descendants can achieve upward mobility without becoming culturally or socially akin to mainstream native-born society.²² Likewise, immigrants and their children can become culturally or socially more akin to mainstream natives by being either upwardly or downwardly mobile. Indeed, many questions remain regarding the conditions

under which assimilation may cause or lead to socioeconomic mobility, or vice versa.²³ Thus, it is important not only to clearly identify our approaches, reference groups, viewpoints, and measures, but also to define our collective dependent variable of assimilation squarely in terms of (dis)similarity – not necessarily in terms of mobility, though the two concepts certainly intertwine.

Though solid evaluations of assimilation paths and processes will require time and longitudinal and intergenerational data, it can still be a useful analytical exercise to consider how new immigrant destinations might alter our understandings of the characteristics of both immigrants and their potential reference groups. It can also be useful to consider how replacing our scholar-centered points of view with new subject-centered perspectives might alter the interpretations we draw from our research. To engage creatively in both exercises, I draw on data that I collected between June 2003 and June 2004 in “Bedford” and “Wilcox” Counties, pseudonyms I have given to two new rural destination counties in eastern North Carolina. While not representative of all new destinations, rural Southern destinations are important because they are the farthest away, both geographically and symbolically, from the traditional immigrant gateways where most studies of immigrant assimilation have been based.

My data include systematic field notes I took while engaged in various forms of ethnographic fieldwork in these two counties, as well as transcripts derived from 129 individual semi-structured interviews that I conducted with foreign-born Latin American immigrants of varying nationalities, U.S.-born Hispanics, and key white and black native-born informants, in both Spanish and English.²⁴

Most of the foreign-born respondents in the sample hailed from Mexico (55.7 percent); had migrated directly to North Carolina from abroad, rather than from another part of the United States; and lacked legal status (47.1 percent). This profile is consistent with the literature, which demonstrates that Mexicans predominate in North Carolina's foreign-born and Hispanic/Latino populations (at approximately two-fifths and two-thirds, respectively); that the internal migration of Hispanics from other parts of the country to North Carolina has gradually given way to direct international labor migration; and that as a new destination state, North Carolina has a high proportion of unauthorized immigrants.²⁵

The literature suggests that immigrants in rural new destinations like Bedford and Wilcox Counties are disadvantaged not only in terms of their own characteristics, but also by the social and political reception they receive from natives. These immigrants tend to be more heavily Mexican and rural in origin than their counterparts in urban destinations—even “new” gateways like Atlanta, Nashville, and Raleigh, where the national origins and socioeconomic statuses of incoming immigrants are more heterogeneous.²⁶ Consequently, these immigrants often have experience working in agriculture, yet are disadvantaged in terms of their formal levels of education, English-speaking ability, and experience participating in politics.²⁷ They also tend to be heavily concentrated in low-paying jobs in agriculture, food processing, and manufacturing and textiles—three rural industries that have increased their dependence on foreign-born labor since the 1980s, and that have seen their real wages, benefits, and internal mobility ladders erode since the mid-twentieth century.²⁸ Combined with their recency of arrival and high proportions of unauthorized

members, these factors correlate with low income levels and high poverty rates.

Finally, quantitative data show that rural American natives are generally less accepting of immigrants than are their urban and suburban counterparts²⁹—perhaps an unsurprising finding given the lingering associations between rurality and cultural isolation, parochialism, traditionalism, moral and political conservatism, and intolerance for diversity and ambiguity.³⁰ Regardless of whether we are assessing these immigrants' prospects for assimilation (to become similar to natives in their social and cultural behaviors and outcomes) or socioeconomic mobility, such data give us pause. Many of these immigrants start off in a position of severe socioeconomic disadvantage, with legal and political disadvantages layered on top, especially for those who lack legal status.

Immigrants in rural new destinations also, by definition, reside in rural communities where they lack the critical mass, at least initially, to develop their own economies, services, networks, and organizations. Plus, there are fewer community-based services and organizations in rural communities through which immigrants can claim government resources or access assistance and advocacy, compared to what is available in established and new metropolitan destinations.³¹ There is then a third layer of social and cultural difference between rural and urban new destinations: rural areas not only have fewer immigrant members than urban areas—in 2002, only 5.7 percent of immigrants lived in rural areas³²—but rural native inhabitants also, especially in the South, have weaker and more distant connections to their own immigrant histories.³³ Few Southerners, especially in rural areas, may recognize any substantive personal connection to the immigrant narrative at all.³⁴

Given these many disadvantages, what are the prospects for assimilation in rural new destinations? If we take an outcome-based approach that defines immigrants as assimilated once their opportunities are no longer differentially determined by their ethnicity relative to native-born whites (our most likely reference group), then our answer may well be bleak. It may be no less bleak if we adopt a scholar-centered point of view that privileges our own evaluations of these immigrants' experiences, and that relies on the standard objective measures defined in the literature. Concretely, we may see little reason for optimism about the life chances of Nadia, an unauthorized Mexican immigrant and divorced mother of one who toils, day in and day out, making repetitive-motion cuts on chickens in the cut-up department of a giant rural food processing plant in Wilcox County, for only \$8 an hour.

In 2003, Nadia netted \$16,640 in annual income, placing her only 30 percent above the then-official poverty line of \$12,490 for a family of two.³⁵ Nadia's ex-husband had moved back to Mexico, and she was supporting herself and her eight-year-old daughter on her own. As cultural anthropologist Donald Stull and social geographer Michael Broadway have observed, even though the typical range of hourly wages and gross annual salaries earned by American meat and poultry workers in the late 1990s – \$6.80 to \$11.20 per hour, and \$14,144 to \$23,296 annually – are among the highest wages in rural areas where food processing plants are typically located, they have also fallen substantially since the 1960s and remain below the level required for a family of four to participate in one or more federal assistance programs.³⁶ In this way, these industries fail to provide workers – many of whom are now foreign born – a living wage sufficient to feed, clothe, and shelter their families.

In this harsh economic context, and given her lack of a high school diploma, poor English-language skills, unauthorized legal status, and visibly “Hispanic” phenotype, we might see few prospects for personal or intergenerational economic assimilation for Nadia, her daughter, and their future descendants. However, changing our approach, choice of reference group, point of view, or measures might alter our interpretations – sometimes for the better and other times for the worse. Even if we kept our approach to immigrant assimilation outcome-oriented, altering our reference group would affect our interpretation of how closely Nadia and her daughter resemble the white American mainstream. That is, do we wish to compare Nadia's level of education and income against those of all white native-born Americans (using a national average or mean), against those of only rural native-born whites, or against only those of the rural native-born whites who live in Nadia's particular county or neighborhood?

This question is important because, on average, rural Americans have a lower mean educational level, work in agriculture at a higher rate, work in high-skilled professional and technical jobs at a lower rate, earn lower wages, and live in poverty at a higher rate than do urban Americans. Consequently, comparing Nadia with only rural native-born whites produces a smaller observable ethnic gap in our standard measures of socioeconomic status, and thus a more optimistic interpretation of her prospects for assimilation, than does comparing her with all native-born whites. Further, comparing her with only rural native-born whites living in Wilcox County produces an even more optimistic interpretation, since according to U.S. census data, this population fares very poorly by standard measures of socioeconomic status compared to rural

natives nationwide. Indeed, even research on assimilation in traditional destinations now emphasizes subnational – opposed to national – reference groups, including groups that can better account for patterns of selective geographic mobility into and out of selected subnational units.³⁷

Of course, narrowing our reference group to one that is both rural and local may have little substantive impact on Nadia's material well-being. Arguing that her level of education and socioeconomic status more closely resemble those of native-born whites living in rural Wilcox County than those of native-born whites who live in the city or suburbs of San Francisco (a traditional immigrant gateway) or nearby Charlotte (an emerging immigrant gateway) does not improve Nadia's life in material terms, nor does it ensure that her descendants will be better off. Nevertheless, it does reduce the educational and occupational distance that a low-skilled immigrant like Nadia and her descendants have to travel in order to gain entrée, and eventually assimilate, into what is considered the local economic norm or mainstream. Indeed, Nadia's tenth-grade education and \$16,640 annual income look much more economically normal in the context of rural Wilcox County than they would in that of a well-heeled Atlanta suburb or the middle of Manhattan; in 2000, only 10.5 percent of Wilcox County's population held a bachelor's degree or higher, compared to 39.4 percent of all residents in the San Francisco-Oakland-Vallejo metropolitan area, and 32 percent in the Atlanta metropolitan area.³⁸

Altering our reference group to native-born blacks, native-born Americans of the same race or Hispanic origin as the incoming immigrants, or all native-born Americans (including racial minorities alongside whites) has additional implica-

tions for our analysis. Using each of these reference groups would allow us to compare how immigrants in rural new destinations are faring socioeconomically not just vis-à-vis whites, but also vis-à-vis the nation's historically disadvantaged and discriminated racial minority groups. To illustrate, we might view Nadia's tenth-grade education and \$16,640 annual income with less concern if our benchmarks were the comparable figures among native-born blacks living in Wilcox County.

We might also be more optimistic about Nadia's daughter's prospects for future economic assimilation if we observe a larger ethnic gap between the average educational levels of immigrant and black students, than between immigrant and white students. Indeed, in several elementary schools in Bedford and Wilcox Counties, respondents expressed concerns not about a persistent educational achievement gap between Hispanic-newcomer and white students, but about an emerging gap between Hispanic-newcomer and black students. According to them, some Hispanic students are making such rapid academic progress that local teachers and administrators have begun to wonder why African American students – their historical minority group – are not keeping pace with either native whites or high-achieving first- and second-generation Hispanic students.³⁹

Again, altering our reference group to one that includes racial minority groups may have little substantive impact on Nadia's material well-being, and if these reference groups are themselves socioeconomically disadvantaged, we might very well end up concerned about both groups' prospects for upward economic mobility. However, in terms of economic assimilation – a concept that denotes one group's similarity to another without also implying any improvement in its

material well-being – it is still important to know whether Nadia’s economic position looks more similar to that of native-born whites than that of native-born blacks. If it does, and if her daughter’s does as well, then our evaluations of their prospects for economic assimilation will look brighter than if we rely on comparisons to native-born whites alone.

Going further, we could also switch to a process-oriented approach to assimilation, opening up a host of other possibilities. To measure Nadia’s prospects for economic assimilation, we could compare her educational level, occupational status, and annual income not only against those of native-born reference groups, but also against those of her parents in Mexico, in order to derive an intergenerational measure of the socioeconomic mobility that she has experienced by virtue of migration. Similarly, we could compare her socioeconomic and educational characteristics against those of her siblings in Mexico, or against those of all non-migrant Mexicans in her birth cohort, to derive a familial or more general measure of her dissimilation from the positions of similarly situated people in Mexico.⁴⁰ Within the United States, we could compare these measures against those of: (a) first-generation Mexican immigrants who have settled in traditional immigrant gateways or other metropolitan areas; (b) first-generation Mexican immigrants who originally settled in traditional immigrant gateways but then moved on, in a secondary process of internal migration, to rural new destinations; or even (c) first-generation Mexican immigrants who have immigrated to Wilcox County either before or after Nadia. Each comparison would provide a different perspective on Nadia’s socioeconomic position in Wilcox County.

For example, if we compare Nadia to native-born whites – even those in rural new destinations or in Wilcox County

alone – she might appear less socioeconomically well-off than if we compared her to her parents in Mexico, or even to her siblings or all Mexicans her age in Mexico. She would likely also appear less well-off than if we compared her to first-generation Mexican immigrants who have settled in East Los Angeles. In fact, the latter two comparisons – both of which involve other immigrants situated at different spatial and temporal points on the immigrant continuum – might provide evidence that Nadia and her daughter are dissimilating away from not only the positions of their family members and other Mexicans in Mexico, but also the positions of Mexican-origin populations who have settled in the poverty-stricken, inner-city ghettos of traditional immigrant gateways. In this process-oriented approach, such findings are promising, even though from an outcome-oriented approach, scholars would still focus concern on the observable ethnic differentials in life chances between Nadia and native-born whites.

Finally, we could make a dramatic change in our point of view, adopting a subject-centered perspective in place of a scholar-centered one. Notably, we could make this change with regard to any of the above comparisons, and in terms of sociocultural as well as economic assimilation, even though I have focused primarily on the latter so far. By doing this, we are not only likely to reach new conclusions using similar data, but also to stumble upon novel measures of assimilation and success as defined by our subjects themselves. Again, consider Nadia’s situation. In economic terms, she might not look very similar to native-born whites, even those living in rural Wilcox County, and scholars might be correct to worry about her future prospects for upward economic mobility, given her lack of human capital and the increasingly unforgiving structure of the low-skilled

American labor market. Yet she and many other low-skilled immigrants in my field research viewed their economic positions quite differently. They saw themselves not simply in situations of economic disadvantage relative to native-born whites, but also in situations of economic *advantage* compared to their family members and friends back in Latin America, and even to their fellow coethnics living in traditional immigrant gateways.

Such interpretations reflect not only different reference groups, but different measures and interpretations of their economic well-being. Early on I found that several of my subjects evoked different measures of socioeconomic achievement than those on which we scholars typically rely. Because jobs in their home countries, the American agriculture industry, and the low-skilled American service sector can be more precarious by comparison, many immigrants viewed having a year-round and full-time poultry processing job as evidence of economic success, not disadvantage. Many also viewed living in a trailer, even in an increasingly concentrated Hispanic mobile home park, as evidence of economic and social achievement, not segregation from the typical Americans' residential condition. Indeed, many immigrants viewed manufactured homes as economic assets, not liabilities, in part because many local native-born whites and blacks in eastern North Carolina live in them, too.⁴¹ And many immigrants who hailed from rural areas in Latin America viewed acquiring a plot of land, not necessarily income or homeownership, as the ultimate marker of economic success – because a plot of land offers them emotional comfort and serves as a symbol of their economic independence and self-sufficiency.⁴²

It might be easy for scholar-centered analyses of assimilation in new destinations to integrate new measures into

their studies, alongside standard measures like education and income levels. But a subject-centered approach provides a fuller appreciation of what such measures *mean* to immigrants and their descendants, and perhaps to natives as well. This is important when an immigrant like Nadia imbues one of these measures (such as residence in a rural trailer park) with a different meaning than scholars typically would. It is also important when a group of natives, such as rural Southerners in Bedford County, see economic and educational activities like working in agriculture, getting a GED, or attending a local community college as symbols of moral competence, dedication, and success, not as failure to have “done better” or “gone farther,” as middle-class suburbanites may be more apt to do. Consequently, using a subject-centered approach, we may see new measures of what immigrants, not to mention natives, define as successful or unsuccessful in their own terms. In the above example (owning a plot of land), we might even stumble upon a key element of what it means to settle in a rural new destination versus a traditional metropolitan gateway.

In terms of linguistic, residential, and social assimilation, Nadia also might not look very similar to native-born whites, even those living in rural Wilcox County; and again, scholars might be correct to worry about her future prospects for social integration, given rural white Southerners' historical reputation for enforcing both formal and informal racial boundaries. But here, too, Nadia and many other low-skilled immigrants in my field research viewed their social positions differently. For example, several immigrants viewed their prospects for learning English to be better in sparsely populated rural new destinations than in traditional immigrant gateways: without large coethnic communities, they felt rural life com-

pelled them to learn English more quickly. As Armando, a naturalized citizen from Monterrey, Mexico, illustrates below, a few immigrants even reported being identified as “southern Hispanics” when they traveled to more Hispanic-heavy regions of the United States. This is a sure sign of successful local and regional – even if not national – linguistic and cultural assimilation:

Armando: I know [Southerners] call the ones from New York “Yankees.” I know that they speak differently. I’ve been to New York, and when I talk to people there they can automatically know where I’m from. But I can’t tell a difference. They’re like, “You’re from the South.” I’m like, “Yeah?” And I think that the, the ones from the North, they seem to think that they’re better than the ones from the South, maybe. I don’t know.

Interviewer: Did you get that feeling when you went up there?

Armando: Um . . . no. I get it from several people here that are from up there, and that have lived down here.

Interviewer: Why do you think they feel this way?

Armando: Gosh! I don’t know. I guess the slang that we use here is, like, not proper to them. [long pause] They criticize a lot the way that we talk here and the slang. [laughs]

In this way, adopting a subject-centered approach offers novel insights about linguistic assimilation that we cannot glean from the standard measures (usually close-ended survey questions measuring self-reported rates of English-language ability). It not only highlights the roles that accent and dialect might play in signaling simultaneous cultural assimilation toward one mainstream reference group (rural Southerners) and cultural dissimilation away from another

(“Yankees”). It also highlights an unexpected yardstick that mainstream rural Southerners may be using to evaluate different groups of immigrants in their midst. In fact, Isabel, an immigrant from Buenos Aires, Argentina, reports that she was surprised to learn that rural natives of eastern North Carolina consider Hispanics/Latinos to be more culturally similar to them than the “Yankees” who migrate internally from the American Northeast.

Thus, despite the fact that standard measures of socioeconomic status and race often lead us to judge “Yankees” as much better economically and racially assimilated to the mainstream in eastern North Carolina than Hispanic newcomers, a subject-centered approach might suggest the opposite:

Isabel: And something else that surprised me is that people from the South are still resentful to the people from the North, and they are calling them “Yankees.”

Interviewer: What do you think about that?

Isabel: That I couldn’t believe! [laughs] One day I was with a good friend from North Carolina, and she said, “This Yankee’s from New Jersey.” And I said, “But they are your same culture.” And she said, “No way.” She said, “You [being from Argentina] have more in common with me than a person from New Jersey.” And that’s when I really realized. And I thought, “How can you say that?” And she said, “Yeah, [Yankees] are nasty. They are rude. They yell.” [laughs]

Even in terms of racial assimilation, Nadia’s visibly Hispanic phenotype and physical appearance might look distinctive vis-à-vis whiteness in the context of rural new destinations; and once again, scholars might be correct to worry about her ability to successfully avoid and overcome racial discrimination from the white

natives. However, even in this context, Nadia and many other low-skilled immigrants in my field research viewed their racial identities and experiences differently. All but one of my subjects self-identified racially using some nonblack identifier – usually “Hispanic,” “Latino,” “white,” or by national origin – and all but two also reported being identified by rural Southern natives as something non-black. Even more important, many of these respondents perceived that blacks discriminate against them more than whites do.

Going by standard measures of socioeconomic status, this latter finding makes little sense; there is a much larger gap separating the material positions of Hispanic immigrants from whites than from blacks in the South, and rural black Southerners are so economically disadvantaged that they lack the material resources to truly discriminate against other groups. Thus, only by taking a subject-centered point of view did I learn that my immigrant respondents conceived of the discrimination and exclusion they felt not just in racial terms – wherein white natives can mark them as racial inferiors – but also by language ability, citizenship, and legal status – wherein both white and black natives can mark and ostracize them as undeserving civic and cultural outsiders.⁴³

Here again, despite the fact that standard measures of socioeconomic status and race might lead us to view Hispanic immigrants as economically and racially more similar to native-born blacks than to native-born whites in rural Southern new destinations, a subject-centered approach might suggest the opposite. Indeed, coupling such an approach with novel measures of residential and interpersonal assimilation – ones showing, for example, that Hispanics more frequently live among, date, get married to, and even get

buried alongside whites than blacks in Southern new immigrant destinations⁴⁴ – can produce a more optimistic evaluation of immigrant prospects for racial convergence with the local white mainstream than studies based on traditional viewpoints and measures.

Rather than serving as a “state of the field” or as an expert endorsement of any one approach, reference group, viewpoint, or outcome measure, this discussion is intended primarily as a thought exercise – a way to illustrate how changing any one of the above elements has the potential to alter our interpretations and conclusions about assimilation in new destinations. In this sense, what I am advocating is not novel. The varying approaches and assumptions identified here already exist in the literature but are rarely made explicit. Consequently, early research in new destinations has already begun to exhibit some of the same trappings of disputes and clashes evident in studies of traditional destinations. While some of these are necessary for stimulating intellectual debate, others could be avoided to facilitate scholarly discovery and consensus. Indeed, because we are still at an early point in the study of new immigrant destinations, making our assumptions and choices more transparent now will help us make better sense of presently incongruous findings, and, more important, develop a more coherent sense of the field as we move forward. Moreover, in doing so it is vital to give greater attention to spatial variation.

Within this agenda, several areas deserve our attention. First, I have focused primarily on the “hard” side of assimilation. But we also need to be more explicit and transparent about our assumptions and choices as we address aspects of the “softer” side of assimilation in new destinations, including identity and cultural

practices.⁴⁵ Second, as do most studies, I have focused primarily on assimilation as it plays out among immigrants and their descendants. But we also need to pay more attention to what is happening among new destinations' host populations and their descendants, in order to build a better knowledge base about the two-way nature of assimilation in such locales moving forward.⁴⁶ Third, as scholars, we need to heed and build into our research designs the new insights from our colleagues in the larger literature, as they identify improved methods and data for assessing assimilation – for example, among immigrants and their actual descendents using longitudinal data, among appropriate cohorts of immigrant generations compared at similar ages and points in the life course, or between immigrants and natives taking into account subnational patterns of in- and out-migration that can significantly alter notions of our study populations and their appropriate reference groups.⁴⁷

Finally, scholars of new destinations are well poised to focus greater attention on how legal status – a key structural feature of the context of reception in a host society or locale – shapes assimilation processes and outcomes. Indeed, given recent spatial-temporal correlations between immigrants' period of entry, legal status, and settlement in new destinations, especially among Mexicans, new destinations have higher proportions of undocumented immigrants among their foreign-born populations than do traditional destinations.⁴⁸ This fundamentally changes immigrants' starting points for achieving economic success, social inclusion, and political representation over time and generations in new, compared to traditional, destinations. In the words of neo-assimilation scholars Alba and Nee, it not only changes the *proximal* causal mechanisms underlying assimila-

tion, by weakening immigrants' available forms of human, financial, social, and cultural capital⁴⁹; it also changes the *distal* causal mechanisms underlying assimilation, by hardening the formal rules and laws under which immigrants make their everyday decisions about work, education, and civic activity.

Thus, perhaps we will come to learn that assimilation works differently for post-1965 immigrants and their descendants who have settled in new destinations than for their counterparts who have settled in traditional destinations, simply because a higher proportion of the former immigrants lack legal status. Of course, there may well turn out to be similarities in how undocumented immigrants experience American workplaces, bureaucracies, and public life across traditional and new destinations.⁵⁰ There may also turn out to be similarities in the intergenerational transfer of the disadvantages of illegal status across both types of locales. But larger proportions of undocumented immigrants in new destinations, coupled with extremely sharp negative turns in many new destinations' social, institutional, and political contexts of reception after 2005,⁵¹ suggest that scholars working in new destinations can play a leading role in developing a more thorough understanding of how assimilation works for undocumented immigrants – depending on exactly when they arrive and precisely where they settle.

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- 1 Elzbieta Gozdziaik and Susan F. Martin, eds., *Beyond the Gateway: Immigrants in a Changing America* (Lanham, Md.: Lexington Books, 2005); Douglas S. Massey, ed., *New Faces in New Places: The Changing Geography of American Immigration* (New York: Russell Sage Foundation, 2008); Audrey Singer, Susan W. Hardwick, and Caroline B. Brettell, eds., *Twenty-First Century Gateways: Immigrant Incorporation in Suburban America* (Washington, D.C.: Brookings Institution Press, 2008); Mary C. Waters and Tomás R. Jiménez, "Assessing Immigrant Assimilation: New Empirical and Theoretical Challenges," *Annual Review of Sociology* 31 (2005): 105–125; and Víctor Zúñiga and Rubén Hernández-León, eds., *New Destinations: Mexican Immigration to the United States* (New York: Russell Sage Foundation, 2005).
- 2 Helen B. Marrow, *New Destination Dreaming: Immigration, Race, and Legal Status in the Rural American South* (Stanford, Calif.: Stanford University Press, 2011); and Audrey Singer, "The Rise of New Immigrant Gateways" (Washington, D.C.: Brookings Institution Center on Urban and Metropolitan Policy, February 2004).
- 3 Lourdes Gouveia and Mary Ann Powell, "Second-Generation Latinos in Nebraska: A First Look," *Migration Information Source* (January 2007); Sarah Morando, "Paths to Mobility: The Mexican Second Generation at Work in a New Destination," paper presented at Labor Markets and Workplace Dynamics in New Destinations of Mexican and Latino Immigration, a workshop held at the University of California, Los Angeles, October 23, 2009; and Alexis Silver, "Aging into Exclusion: Transitions to Adulthood for Undocumented Immigrant Youth," paper presented at Undocumented Hispanic Migration: On the Margins of a Dream, a conference held at Connecticut College, New London, Conn., October 16–18, 2009.
- 4 Víctor Zúñiga and Rubén Hernández-León, "The Dalton Story: Mexican Immigration and Social Transformation in the Carpet Capital of the World," in *Latino Immigrants and the Transformation of the U.S. South*, ed. Mary E. Odem and Elaine Lacy (Athens: University of Georgia Press, 2009), 34–50.
- 5 Alejandro Portes and Rubén G. Rumbaut, *Legacies: The Story of the Immigrant Second Generation* (Berkeley: University of California Press, 2001).
- 6 Richard D. Alba and Victor Nee, *Remaking the American Mainstream: Assimilation and Contemporary Immigration* (Cambridge, Mass.: Harvard University Press, 2003), 11.
- 7 Waters and Jiménez, "Assessing Immigrant Assimilation."
- 8 For this "dissimilation" approach, see Tomás R. Jiménez and David Fitzgerald, "Mexican Assimilation: A Temporal and Spatial Reorientation," *Du Bois Review* 4 (2) (2007): 337–354.
- 9 *Ibid.*; Frank D. Bean, Susan K. Brown, Mark A. Leach, James D. Bachmeier, and Rosaura Tafoya-Estrada, "The Implications of Unauthorized Migration for the Educational Incorporation of Mexican-Americans," in *Regarding Educacion: Mexican-American Schooling, Immigration, and Bi-National Development*, ed. Bryant Jensen and Adam Sawyer (New York: Teachers' College Press, 2013), 43–65; Julie Park and Dowell Myers, "Intergenerational Mobility in the Post-1965 Immigration Era: Estimates by an Immigrant Generation Cohort Method," *Demography* 47 (2) (2010): 369–392; James P. Smith, "Assimilation across the Generations," *American Economic Review* 93 (2) (2003): 315–319; James P. Smith, "Immigrants and the Labor Market," *Journal of Labor Economics* 24 (2) (2006): 203–233; and Edward E. Telles and Vilma Ortiz, *Generations of Exclusion: Mexican Americans, Assimilation, and Race* (New York: Russell Sage Foundation, 2008).
- 10 Philip Kasinitz, John H. Mollenkopf, Mary C. Waters, and Jennifer Holdaway, *Inheriting the City: The Children of Immigrants Come of Age* (Cambridge, Mass., and New York: Harvard University Press and Russell Sage Foundation, 2008).
- 11 Jiménez and Fitzgerald, "Mexican Assimilation."
- 12 Telles and Ortiz, *Generations of Exclusion*.

- ¹³ Richard D. Alba, Tomás R. Jiménez, and Helen B. Marrow, “Mexican Americans as a Paradigm for Contemporary Intra-Group Heterogeneity,” *Ethnic and Racial Studies* (2013); and Jiménez and Fitzgerald, “Mexican Assimilation.” *Helen B. Marrow*
- ¹⁴ Waters and Jiménez, “Assessing Immigrant Assimilation.”
- ¹⁵ Patricia Fernández-Kelly and Lisa Konczal, “‘Murdering the Alphabet’: Identity and Entrepreneurship among Second-Generation Cubans, West Indians, and Central Americans,” *Ethnic and Racial Studies* 28 (6) (2005): 1153–1181.
- ¹⁶ Min Zhou, Jennifer Lee, Jody Agius Vallejo, Rosaura Tafoya-Estrada, and Yang Sao Xiong, “Success Attained, Deterred, and Denied: Divergent Pathways to Social Mobility in Los Angeles’ New Second Generation,” *Annals of the American Academy of Political and Social Science* 620 (1) (2008): 37–61.
- ¹⁷ Fernández-Kelly and Konczal, “‘Murdering the Alphabet.’”
- ¹⁸ Jiménez and Fitzgerald, “Mexican Assimilation”; and Zhou et al., “Success Attained, Deterred, and Denied.”
- ¹⁹ Kasinitz et al., *Inheriting the City*; and Zhou et al., “Success Attained, Deterred, and Denied.”
- ²⁰ Kasinitz et al., *Inheriting the City*; Sara S. Lee, “Class Matters: Racial and Ethnic Identities of Working and Middle-Class Second Generation Korean-Americans in New York City,” in *Becoming New Yorkers: Ethnographies of the New Second Generation*, ed. Philip Kasinitz, John H. Mollenkopf, and Mary C. Waters (New York: Russell Sage Foundation, 2004), 313–338; Vivian Louie, “‘Being Practical’ or ‘Doing What I Want’: The Role of Parents in the Academic Choices of Chinese Americans,” in *Becoming New Yorkers*, ed. Kasinitz et al., 79–109; and Zhou et al., “Success Attained, Deterred, and Denied.”
- ²¹ Alba and Nee, *Remaking the American Mainstream*; Herbert J. Gans, “Acculturation, Assimilation, and Mobility,” *Ethnic and Racial Studies* 30 (1) (2007): 152–164; Park and Myers, “Intergenerational Mobility in the Post-1965 Immigration Era”; and Zhou et al., “Success Attained, Deterred, and Denied.”
- ²² Gans, “Acculturation, Assimilation, and Mobility.”
- ²³ *Ibid.*
- ²⁴ Marrow, *New Destination Dreaming*.
- ²⁵ Jeffrey S. Passel and D’Vera Cohn, “A Portrait of Undocumented Immigrants in the United States” (Washington, D.C.: Pew Research Hispanic Center, 2009).
- ²⁶ Debra J. Schleef and H. B. Cavalcanti, *Latinos in Dixie: Class and Assimilation in Richmond, Virginia* (Albany: State University of New York Press, 2009).
- ²⁷ William A. Kandel and John Cromartie, “New Patterns of Hispanic Settlement in Rural America,” Rural Development Research Report No. 99 (Washington, D.C.: U.S. Department of Agriculture, 2004); and Rebecca María Torres, E. Jeffrey Popke, and Holly M. Hapke, “The South’s Silent Bargain: Rural Restructuring, Latino Labor and the Ambiguities of Migrant Experience,” in *The New South: Latinos and the Transformation of Place*, ed. Heather A. Smith and Owen J. Furueth (Aldershot, U.K.: Ashgate Press, 2006), 37–68.
- ²⁸ Marrow, *New Destination Dreaming*; Donald D. Stull and Michael J. Broadway, *Slaughterhouse Blues: The Meat and Poultry Industry in North America* (Belmont, Calif.: Wadsworth, 2004); and Donald D. Stull, Michael J. Broadway, and David Griffith, eds., *Any Way You Cut It: Meat Processing and Small Town America* (Lawrence: University of Kansas Press, 1995).
- ²⁹ Katherine Fennelly and Christopher M. Federico, “Rural Residence as a Determinant of Attitudes toward U.S. Immigration Policy,” *International Migration* 46 (1) (2008): 151–190.
- ³⁰ Marrow, *New Destination Dreaming*.
- ³¹ *Ibid.*; and Torres, Popke, and Hapke, “The South’s Silent Bargain.”

- Assimilation
in New
Desti-
nations
- 32 Diane Schmidley, "The Foreign Born Population in the United States: March 2002," U.S. Census Bureau Current Population Reports Series, P-20-539 (Washington, D.C.: Government Printing Office, 2003).
- 33 Marrow, *New Destination Dreaming*.
- 34 Jamie Winders, *Nashville in the New Millennium: Immigrant Settlement, Urban Transformation, and Social Belonging* (New York: Russell Sage Foundation, 2013).
- 35 "Annual Update of the HHS Poverty Guidelines," *Federal Register* 71 (15) (January 24, 2006): 3848–3849, <http://www.gpoaccess.gov/fr/index.html>.
- 36 Stull and Broadway, *Slaughterhouse Blues*.
- 37 Bean et al., "The Implications of Unauthorized Migration for the Educational Incorporation of Mexican-Americans"; and Julie Park, Dowell Myers, and Tomás R. Jiménez, "Intergenerational Mobility of the Children of Mexican Immigrants: Converging to a Mainstream Differentiated by Gender and Region," paper presented at 2010 Annual Meeting of the Population Association of America, Dallas, Tex., April 15–17, 2010.
- 38 Author's analysis of Steven Ruggles, Matthew Sobek, Trent Alexander, Catherine A. Fitch, Ronald Goeken, Patricia Kelly Hall, Miriam King, and Chad Ronnander, *Integrated Public Use Microdata Series: Version 3.0* [Machine-readable database] (Minneapolis: Minnesota Population Center, 2004), <http://www.ipums.org>.
- 39 Marrow, *New Destination Dreaming*.
- 40 Jiménez and Fitzgerald, "Mexican Assimilation."
- 41 Peter Skillern and Tanya Wolfram, "Transforming Trailers into Assets," *Popular Government* 70 (2) (2005): 4–11.
- 42 Marrow, *New Destination Dreaming*; and Torres, Popke, and Hapke, "The South's Silent Bargain."
- 43 Marrow, *New Destination Dreaming*.
- 44 Monica McDermott, "Black Attitudes and Hispanic Immigrants in South Carolina," in *Just Neighbors? Research on African American and Latino Relations in the United States*, ed. Edward Telles, Mark Q. Sawyer, and Gaspar Rivera-Salgado (New York: Russell Sage Foundation, 2011), 242–263; and Mariel Rose, "Appalachian Mestizaje: Race and Latino Immigration in Western North Carolina," in *Constructing Borders/Crossing Boundaries: Race, Ethnicity, and Immigration*, ed. Caroline B. Brettell (Lanham, Md.: Lexington Books, 2007), 185–210.
- 45 Gans, "Acculturation, Assimilation, and Mobility"; and Tomás R. Jiménez, *Replenished Ethnicity: Mexican Americans, Mexican Immigrants, and Identity* (Berkeley: University of California Press, 2010).
- 46 Alba and Nee, *Remaking the American Mainstream*.
- 47 Bean et al., "The Implications of Unauthorized Migration for the Educational Incorporation of Mexican-Americans"; Park and Myers, "Intergenerational Mobility in the Post-1965 Immigration Era"; Park, Myers, and Jiménez, "Intergenerational Mobility of the Children of Mexican Immigrants"; and Telles and Ortiz, *Generations of Exclusion*.
- 48 Passel and Cohn, "A Portrait of Undocumented Immigrants in the United States."
- 49 Alba and Nee, *Remaking the American Mainstream*.
- 50 Compare, for example, Shannon Gleeson and Roberto G. Gonzales, "When Do Papers Matter? An Institutional Analysis of Undocumented Life in the United States," *International Migration* 50 (4) (2012): 1–19; and Marrow, *New Destination Dreaming*.
- 51 Marrow, *New Destination Dreaming*.

Immigration & the Color Line at the Beginning of the 21st Century

Frank D. Bean, Jennifer Lee & James D. Bachmeier

Abstract: The “color line” has long served as a metaphor for the starkness of black/white relations in the United States. Yet post-1965 increases in U.S. immigration have brought millions whose ethn racial status seems neither black nor white, boosting ethn racial diversity and potentially changing the color line. After reviewing past and current conceptualizations of America’s racial divide(s), we ask what recent trends in intermarriage and multiracial identification – both indicators of ethn racial boundary dissolution – reveal about ethn racial color lines in today’s immigrant America. We note that rises in intermarriage and multiracial identification have emerged more strongly among Asians and Latinos than blacks and in more diverse metropolitan areas. Moreover, these tendencies are larger than would be expected based solely on shifts in the relative sizes of ethn racial groups, suggesting that immigration-generated diversity is associated with cultural change that is dissolving ethn racial barriers – but more so for immigrant groups than blacks.

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The “color line” has long served as a metaphor for the severe and enduring separation of whites and blacks in the United States. The election of Barack Obama to the U.S. presidency on November 4, 2008, however, broke a barrier many thought would never be breached. Yet while historic, this event’s significance for the color line remains unclear. If one recalls W.E.B. Du Bois’s famous and pessimistic prophecy from a century ago – that “the problem of the twentieth-century [would be] the problem of the color line”¹ – one might imagine that a single century would span too short a time to eradicate such a deeply entrenched barrier. Racial realists today, perhaps like Du Bois, may well view Obama’s election as merely indicating that an exceptionally talented and appealing individual who just happened to be black was fortunate enough to follow one of the most unpopular White House occupants in recent history. Though Obama ran a terrific campaign and became president of the United States, some analysts have thought the election alone

signifies little about the demise of the black/white color line, arguing instead that claims of a new postracial order in the United States have been premature.² Yet even if there are reasons to view Obama's ascendancy as an anomaly, a number of other developments suggest that the color line in fact has begun to shift in recent decades, at least for some groups.

Given the crushing burden that the black/white divide has imposed on African Americans throughout U.S. history, questions about factors leading to possible changes in the old black/white color line are of considerable importance. In particular, a tectonic shift in U.S. immigration over the past forty years has brought millions of newcomers whose ethnoracial status seems neither black nor white.³ At present (counting both the foreign born and their children), this group comprises more than sixty million persons.⁴ The sheer size of this new nonwhite population raises the question of what the color line means in today's America. If such divisions have not been reduced to irrelevance, has the color line nonetheless shifted and become replaced by new, multiple color lines? If convincing reasons exist to think that the old black/white divide has faded, then the question of where the new immigrant groups fall in relation to it are largely moot. Moreover, if this is the case, the same forces driving the color line's dissolution would probably also be working to enhance the sociocultural and economic incorporation of the new immigrant groups, implying that their successful integration represents little in the way of a public policy challenge. On the other hand, if strong remnants of the historic black/white color line persist, then questions about where Latino and Asian immigrants fall in relation to the divide matter a great deal.

As a lens through which to illuminate today's color line, we focus here on alter-

native past and current conceptualizations of the color line and on evidence about the nature and extent of intermarriage and multiraciality among both blacks and the major new immigrant groups. If our inquiries lead us to conclude that the newcomers belong on the black side of a persisting and sharp divide, then it is likely that their sizable numbers over the past thirty years, together with their continuing high rates of entry, may be exacerbating long-standing problems in U.S. race relations. But if Asians and Latinos are falling largely on the white side of such a line, then this would imply that the successful integration of the new immigrants is not only possible, but probably also likely. This in turn would raise significant questions about how the nonwhite diversity brought about by immigration is contributing to the weakening of boundaries between the new immigrants and native whites, and whether Latinos and Asians are involved in these processes in similar ways and to the same degree. And even more important, if growing diversity were loosening the ethnoracial boundaries that might constrain the life chances of new immigrants, is this diversity, along with rising familiarity and comfort among native-born Americans with an ever-more diverse nation, beginning also to erode the black/white divide?

When Du Bois predicted the problem of the color line in 1903, the United States was in the midst of its rise to become the world's leading industrial power. His poignant statement foresaw that slavery's contradictions would become more conspicuous and that its legacy – the stain of which was painfully apparent in the form of Jim Crow racial discrimination, as well as continuing rationalizations and stereotypes put forth to justify its inequities – would continue to plague the country.⁵ As perceptive as Du Bois's insights were,

they overlooked another (and more often emphasized) defining theme in American history: that of the “American dream,” or the opportunity and prosperity promised by immigration and symbolized in the Statue of Liberty and Ellis Island in nineteenth-century America.⁶ If slavery represented the scar of race on America and the country’s failure, immigration exemplified hope and the prospect of success. Such dreams became reality for many of America’s nineteenth-century immigrant settlers who fueled the expansion of the westward frontier with the aid of the Land Act of 1820 and the Morrill Act of 1862, which provided land and technical assistance for America’s new arrivals.⁷

But as the western frontier began to close at the end of the nineteenth century, and as the United States increasingly became an industrial society in the early twentieth century, the nation found itself in need of additional newcomers, but now for a different reason: to fulfill a demand for workers in the burgeoning factories of America’s quickly growing cities.⁸ Immigrants once again provided an answer. These new arrivals, as had their predecessors, (re)constructed themselves anew through geographic mobility, eagerly embracing the American tradition of seeking opportunity and identity in “starting over,” rather than remaining in Europe where they and their governments faced the challenge of trying to knit together peoples torn apart by internecine conflict.⁹

Nation-building in America, at least outside the South, involved new immigrant settlements and work opportunities, not to mention dreams that encouraged newcomers to recognize that they were part of a “nation of immigrants.” By World War I, American immigration had thus served multiple purposes: the early waves provided the country with settlers eager to begin new lives in a land of opportunity; later waves, including those of

Du Bois’s era, provided sorely needed additions to the workforce. If American immigration represented the optimistic side of the country’s past and future, slavery and its aftermath tainted the fabric of national memory – a blot that many sought to eradicate through denial and romanticization.¹⁰ Indeed, a desire to transcend the lingering contradictions of slavery’s legacy even helped focus the myth-making attention on the country’s immigrant origins.

Immigration and race thus played strangely symbiotic and compartmentalized roles in shaping the founding mythology of America. But in the early twentieth century, the changing national origins of immigrants began to undermine such convenient compartmentalizations. With the arrival of America’s third wave of newcomers from Eastern and Southern Europe, agitated natives started to advocate the “Americanization” of groups they viewed as non-Nordic and thus hopelessly unassimilable.¹¹ The new arrivals did not resemble the Western and Northern European immigrants of the country’s past. Moreover, they were Catholic or Jewish, not Protestant, and they largely settled in industrial cities outside the South.

Thus, the tendency of the period to view foreigners in reductionist terms that conflated national origin and race meant non-Southerners also had to confront and cope with persons of “races” different from their own, a dilemma previously faced in the case of the Irish but one that now could not so easily be dismissed as only a Southern problem.¹² The attendant tensions contributed to the rise of nativism and the passage of restrictive national-origins immigration legislation.¹³ But denials both that racism existed and that race relations involving blacks were less than exemplary continued through the Great Depression and World War II. It was not until the 1960s – when the emergence of the geostrategic exigencies of

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the Cold War and the not-easily-denied claims for equal opportunity emanating from post-World War II black veterans dramatized the contradictions of race – that substantial change finally began to occur.¹⁴

This dramatic shift involved Congress passing two landmark pieces of legislation: the Civil Rights Act in 1964, making discrimination against blacks illegal, and the Hart-Celler Act in 1965, abolishing national-origin quotas as bases for immigrant admissions.¹⁵ Scholars such as Nathan Glazer thought the former would quickly lead to the full incorporation of blacks into American society.¹⁶ Supporters of the latter generally expected it *not* to generate much in the way of new immigration, but rather thought it simply would remove the embarrassment of the country's prior discriminatory admissions policies.¹⁷ The two laws thus shared the prospect of generating improved racial/ethnic relations in the United States.

Neither prediction turned out as anticipated, however. Blacks did not quickly become economically incorporated, and millions of new Asian and Latino immigrants, often seen as nonwhite, unexpectedly began to arrive in the country.¹⁸ Now, nearly a half-century after the passage of those watershed pieces of legislation, we are addressing two broad and inter-related questions: to what extent has the country's contemporary immigration redefined race in America; and in turn, to what extent has the country's prior experience with race influenced its perception of today's nonwhite immigrants?

Certainly, the United States is more racially and ethnically diverse now than at any time since World War II, and overt racial discrimination is now illegal. But to what degree have racial/ethnic relations, especially black/white relations, improved? If race is declining in significance, as many have claimed, is it declining equally for all nonwhite groups? Or is the

cancer of racial status, borne of the legacy of slavery, so potent that it has metastasized to include America's nonwhite immigrant newcomers? Where did color lines fall in the past and where are they drawn today? Four major viewpoints have arisen to address these questions.

The *disappearance of color lines altogether* is one common expectation. Perhaps no event in U.S. history has generated so much speculation that the color line might be disappearing than Obama's election as president. During his campaign, Obama presented a vision of a postracial America in which racial status has declined in significance and the country is strengthened by its multiracial and multicultural diversity. Obama's message resonated with many Americans, in part because he himself symbolized change, not only in his progressive political agenda, but also in his multiracial and multicultural heritage. After his election, journalists and pundits proclaimed that the color line had fallen and that America was now a "post-race" society in which anything was possible.¹⁹

Historian David Hollinger had sketched such a society in his influential book, *Postethnic America*, in which he proposes that color lines might be fading, with the United States moving into a new cosmopolitan or "postethnic" era.²⁰ In this scenario, racial and ethnic identification adopts a character similar to that of religious affiliation: that is, individuals could not only choose their affiliation, but also preserve the "right to exit" from that group. Critical to the concept of a postethnic society is the element of choice in ethnoracial identification. Hollinger stipulates that postethnic is not anti-ethnic nor is it color-blind; rather, postethnic means individuals can devote as much or as little of their energy as they choose to their community of descent.²¹ In short, descent is not destiny.

Hollinger claims that multiracial Americans are performing a historic role by helping move the United States in a post-ethnic direction since they are able to freely choose “how tightly or loosely they wish to affiliate with one or more communities of descent.”²² In a similar vein, sociologist Herbert Gans views rises in multiracial identification as harbingers of progress because they reflect the diminishing significance of racial rigidity.²³ He further predicts that today’s racial categories may become increasingly less relevant in each generation until they fade altogether. In other words, with the increasing hybridization of “American stock,” the country may be reconfiguring itself along nonracist lines.²⁴ Given recent trends in intermarriage and a small but burgeoning multiracial population, the United States may indeed be moving in a postethnic direction, where group boundaries no longer circumscribe ethnoracial identification and opportunity structures. However, numerous commentators, especially after the onset of the recession in 2008, have noted that the disadvantages of ethnoracial status, especially among blacks and unauthorized nonwhite immigrants, remain too pronounced to conclude that a postethnic society has yet arrived.²⁵

Other observers believe that a *white/nonwhite divide is now crystallizing* in the country. Indeed, such a color line has been legally enforced throughout much of the nation’s history, with blacks, Asians, and Latinos falling on the nonwhite side of the divide. These groups have faced both severe *de jure* and *de facto* discrimination in the past, in the form of enslavement, exclusion, segregation, incarceration, confinement, and deportation. For example, African Americans suffered two-and-a-half centuries of slavery, followed by another century of Jim Crow segregation. The Chinese were barred from immigrating to

the United States for ten years beginning in 1882, and Japanese Americans – regardless of nativity and citizenship – were incarcerated en masse during World War II, resulting in more than 110,000 internees between 1941 and 1947.²⁶ In addition, Mexicans were apprehended and forcibly deported during Operation Wetback in 1954 because of episodic fears of the Mexican immigrant population, often with little regard for legal status. As these examples illustrate, blacks, Asians, and Latinos often appear closer in status to one another than to whites during much of U.S. history.

A white/nonwhite divide was further evident in the early twentieth century in the state of Virginia, where the Racial Integrity Act was passed in 1924, creating two distinct racial categories: “pure” white and all others. The statute defined a white person as one with “no trace whatsoever of blood other than Caucasian,” and it had the goal of legally banning intermarriage between whites and other races. While blacks were clearly nonwhite under the legislation, Asians and Latinos also fell on the nonwhite side of the binary divide. The statute reflected the Supreme Court rulings of *Takao Ozawa v. United States* (1922) and *United States v. Bhagat Singh Thind* (1923); in both of these decisions, persons of Asian origin were not only classified as nonwhite, but also considered unassimilable.

In the case *In Re Ricardo Rodríguez* (1897), Rodríguez, a Mexican-born man who lived in San Antonio for ten years, petitioned for U.S. citizenship in Bexar County, Texas, in order to exercise his right to vote. As in the *Ozawa* and *Thind* decisions, the district court did not rule that Rodríguez was white. What is notable in all three cases is that none of the plaintiffs attempted to classify themselves as “of African descent,” even though Chinese, Asian Indians, and Mexicans at that time were often treated more like blacks than whites; to have done so

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would have resulted in a drop in racial status. Moreover, neither did the Court consider classifying the plaintiffs as black, because doing so would have given them a route to citizenship.

During the 1960s, however, in a report to the President's Committee on Civil Rights, Asians and Latinos were officially designated as minority groups alongside blacks based on their color and distinctive cultural characteristics. As groups who had "suffered enough" to be perceived as "analogous to black," civil rights administrators extended affirmative action benefits to Asians and Latinos in employment, including self-employment.²⁷ Latinos, in particular, have garnered a great deal of recognition as a disadvantaged minority.²⁸ By grouping Asians and Latinos with African Americans, civil rights administrators presumed that their experiences with discrimination were similar and stemmed from their nonwhite racial status.²⁹ An unintended consequence of these policies was that Latinos and Asians – who made up, respectively, only 5 percent and 1 percent of the country's population in 1970 – were perceived and labeled as racialized minorities, or "people of color," whose "color and cultural characteristics" would continue to set them apart from whites, thereby making them more akin to blacks.

By placing Latinos and Asians on the nonwhite side of the divide, the country's policy-makers reinforced the perception that these groups may be racially unassimilable, unlike the European immigrants who came before them. In a similar vein, ethnic studies scholars Gary Okihiro and Ronald Takaki contend that today's immigrants from Asia, Latin America, and the Caribbean will be unable to escape their racial status and the caste-like treatment that ensues because of their non-European origins.³⁰ Hence, rather than following in the footsteps of their European predecessors, many of today's nonwhite immi-

grants may follow a path of assimilation into a racialized minority status. In light of these disadvantages, some immigration and race/ethnicity scholars point to the possible emergence of a white/nonwhite divide, in which Asians and Latinos fall on the nonwhite side of the color line, just as they have done throughout much of U.S. history. However, as we note below, sharp differences between blacks and Asian and Latino groups suggest that this perspective is more relevant to historical than contemporary patterns of race relations.

Other social scientists offer a different possibility, a *triracial stratification system* similar to that of many Latin American and Caribbean countries. Sociologist Eduardo Bonilla-Silva proposes that in the United States a triracial divide is emerging, made up of whites, honorary whites, and collective blacks.³¹ Included in the "white" category are whites, assimilated white Latinos, some multiracials, assimilated Native Americans, and a few Asian-origin people. "Honorary whites" include light-skinned Latinos, Japanese, Koreans, Chinese, Asian Indians, Middle Eastern Americans, and most multiracial Americans. Finally, the "collective black" category includes blacks, Filipinos, Vietnamese, Hmong, Laotians, dark-skinned Latinos, West Indian and African immigrants, and reservation-bound Native Americans.

Because many of today's new immigrants hail from Latin America and the Caribbean, Bonilla-Silva argues that a more complex triracial order naturally fits the "darkening" of the United States. While a few new immigrants might fall into the honorary white stratum and may even eventually become white, the majority will incorporate into a collective black stratum, including most Latino immigrants, a category Bonilla-Silva labels as "racial others" whose experiences with race are seen as similar to those of blacks.

In this regard, the triracial model is distinctive because Bonilla-Silva posits that most Latinos are racialized in a manner similar to African Americans, and therefore fall on the black side of the divide.

While there has been some support for the Latin Americanization thesis, it has not gone without criticism. For instance, sociologists Edward Murguia and Rogelio Sáenz argue that a three-tier system predated substantial Latin American immigration to the United States.³² Moreover, other social scientists contest the uniform characterization of Latinos as a monolithic group.³³ Examining Latinos' social attitudes toward other racial/ethnic groups, sociologist Tyrone Forman and his colleagues find that Latinos fall into different segments of the triracial hierarchy depending on national origin; Puerto Ricans differ from Mexicans in their expressed feelings toward blacks, with the former group demonstrating greater variation depending on skin color.³⁴ Mexicans, however, are more uniform in their feelings toward blacks and express attitudes closer to those of non-Hispanic whites than those of non-Hispanic blacks, perhaps as a result of the history of racial mixing in Mexico, which involved very few Africans, unlike the history of mixing in Puerto Rico.³⁵ Regardless of skin color, however, Latinos fall closer to non-Hispanic whites in their attitudes toward blacks than to non-Hispanic blacks. Such results suggest considerable variation in the racialization experiences of Latinos in the United States. While Bonilla-Silva argues that a triracial hierarchy is forming, it remains to be seen whether most Latinos, and especially Mexicans, will fall into the collective black category as he posits.

In the 1990s, social scientists began to suggest the possible birth of a new racial structure, one that differed from the black/white divide, the white/nonwhite

divide, and the triracial hierarchy. This was a new binary color line – a *black/non-black divide* – highlighting the persistent and uniquely strong separation of blacks, not only from whites but also from other non-white ethnoracial groups.³⁶ The concept of a black/nonblack divide surfaced in conjunction with a flurry of research documenting the processes by which previously “nonwhite” immigrant ethnic groups, such as the Irish, Italians, and Eastern European Jews, became “white.”³⁷ Once considered an inferior “race” by the country’s Anglo-Saxons, and regularly characterized in the nineteenth century as “savage,” “low-browed,” and “bestial,” the Irish eventually clawed their way into whiteness.³⁸

Researchers have shown that European immigrants are not the only groups to have changed their status from nonwhite to white. Asian ethnic immigrant groups such as the Chinese and Japanese also managed to change their racial status from almost black to almost white. Sociologist James Loewen, for example, documents how Chinese immigrants in the Mississippi Delta made concerted efforts to modify their lowly racial status through economic mobility, the emulation of the cultural practices and institutions of whites, and the intentional distancing of themselves from blacks.³⁹ Not only did they actively distance themselves both physically and culturally from blacks, but the Mississippi Chinese also rejected their fellow ethnics who married blacks as well as any multi-racial children they bore. By adopting the anti-black sentiment embraced by Mississippi whites and by closely following the region’s moral codes, the Chinese accepted rather than challenged the existing racial hierarchy and essentially crossed over the black/white color line. As a consequence of such deliberate efforts, the racial status of the Chinese in the region changed from almost black to almost white. Historians have noted a similar process of change

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among Japanese Americans who, at the beginning of the twentieth century, accompanied blacks at the bottom of the racial hierarchy.

Just as the boundaries of whiteness have changed in the past, they may be expanding yet again to incorporate new immigrant groups such as Asians and Latinos, reflecting the inconstant and changing nature of racial categories, for all groups except perhaps blacks.⁴⁰ Pointing to patterns of residential segregation, for example, scholars find that blacks are more likely to be segregated than other racial/ethnic groups, regardless of household income.⁴¹ Moreover, research shows that Asians and Latinos are marrying whites at higher rates than are blacks marrying whites, thereby enhancing the possibility that the children of these unions will adopt a nonblack identity.⁴² Sociologist France Twine's research on multiracial identification reinforces this point; she finds that the children of black intermarriages are usually perceived by others as black, but by contrast, the children of Asian and Latino intermarriages are not similarly perceived as monoracially Asian or Latino.⁴³ Twine and fellow sociologist Jonathan Warren posit that this is because Asians and Latinos appear to "blend" more easily with whites compared to blacks, at least from the perspective of many Americans.⁴⁴ Based on these trends, some scholars hypothesize that Asians and Latinos are the next in line to become white.⁴⁵

While a number of immigrant ethnic groups have changed their status from nonwhite to white or almost white, black immigrants and African Americans have yet to be able to do the same. West Indian and East African immigrants, for example, distance themselves from black Americans and do what they can to make sure that they are not associated with black Americans.⁴⁶ In fact, most West Indian immigrants feel superior to black Americans,

and therefore do not want to be identified as "black American" because this identity connotes downward mobility into a stigmatized status.⁴⁷ However, after only one generation, U.S.-born West Indians find it increasingly difficult to distinguish themselves from black Americans; more often than not, they choose to identify as such, both because they feel that their West Indian ethnicity is no longer salient and because others treat and identify them as black American.⁴⁸

The fact that African Americans are not able to change their racial status is evidence of a pattern of African American "exceptionalism," as described by Herbert Gans.⁴⁹ Other scholars document patterns of more severe residential segregation and intermarriage, arguing that the apartness of blacks is real, and that the black racial identity and social status is fixed.⁵⁰ Given the unique history of African Americans and the rigidity of the boundary surrounding blacks, some social scientists argue that a black/nonblack divide has arisen, in which Asians and Latinos fall on the nonblack side of the divide. Hence, unlike the white/nonwhite divide (which predicts the formation of a "people of color" grouping against whites), a black/nonblack divide suggests that blacks stand apart from other nonwhite groups, pointing to a unique pattern of "black exceptionalism" in race/ethnic relations.

Even though scholars and other observers may differ over where they think today's color lines are drawn, and may disagree about how strong these might be, there is little question that as a result of immigration, the United States has rapidly become a more ethnoracially diverse society.⁵¹ More immigrants come to the United States than to any other country in the world.⁵² According to the American Community Survey, by the year 2010, the foreign-born population in the United States

(including both whites and nonwhites) numbered almost forty million persons, and their native-born children were nearly as numerous, accounting for about another thirty-five million.⁵³

Unlike the waves of immigrants who arrived in the early twentieth century, today's immigrants are mainly non-European. In 2010, only about 12 percent of legal immigrants originated in Europe or Canada, whereas about 80 percent came from Latin America, Asia, Africa, or the Caribbean.⁵⁴ These new arrivals contribute substantially to the size of the country's overall Latino minority (over 16 percent of the national population in 2010, up from less than 5 percent in 1970) and the country's Asian population (about 5 percent, up from less than 1 percent).⁵⁵ And these trends are likely to continue. According to conservative projections from the National Research Council, by the year 2050 America's Latino and Asian populations will make up, respectively, at least 24 percent and 8 percent of the U.S. population.⁵⁶ Unquestionably, contemporary immigration has altered the racial and ethnic terrain of the United States.

Is this rising diversity helping dissolve the old black/white color line? Several reasons suggest that this might be the case, and that growing ethnoracial diversity is indeed helping increase tolerance among whites of both new immigrant groups and African Americans. One reason is simply that as minority immigrant groups grow relatively larger, the probabilities of contact between the members of such groups and majority natives increase, thus promoting familiarity, respect, and greater liking across the groups. These are the processes that psychologist Gordon Allport noted in his long-standing *contact hypothesis*, which predicts that greater interaction between the members of different groups fosters familiarity and increases affect and liking, especially under certain conditions.⁵⁷

Second, the presence of a larger number of different groups may tend to diminish the significance of any single group, if for no other reason than that multiple minority groups may diffuse the intensity of negative affect and stigmatization.⁵⁸ A third reason is that greater diversity may yield other positive psychological and social dividends, such as increased creativity, problem-solving capacities, social resiliencies, and interpersonal skills that result from learning to cope with the differences, challenges, and opportunities presented by diversity. Such factors have been argued to strengthen workplace and societal communication, cohesion, and effectiveness, especially in technology- and knowledge-based economies.⁵⁹ They have also been observed to impart adaptive advantages to second-generation persons growing up in such environments.⁶⁰

Such ideas are also similar to the notion of heterogeneity as often more broadly invoked in sociology.⁶¹ Increased diversity (or heterogeneity, more generally) promotes greater tolerance.⁶² Diversity thus may contribute to increases in the likelihood of exogamy and multiraciality to the extent that diversity fosters the loosening of ethnoracial boundaries and promotes more flexibility in marriage and identity options for the members of ethnoracial minorities and their offspring.

On the other hand, larger nonwhite minority groups may also give rise to perceptions that these groups constitute a threat to majority whites. But whites may perceive some ethnoracial groups as more threatening than others. In particular, research evidence suggests that blacks are seen more negatively than Asians or Latinos. Whites in the United States have often seen blacks as threatening, in part because of worries about economic competition and in part because the harsh discriminatory tactics employed against blacks for decades after slavery engen-

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dered white fears of reprisal.⁶³ But because the new largely nonwhite immigrant groups have not experienced similarly crushing discrimination on such a widespread scale for such a long period of time, whites are not likely to perceive the new immigrant groups in the same way as they do blacks.⁶⁴

Whites also view African Americans as a less preferred source of unskilled labor than immigrants.⁶⁵ Asian immigrants, by contrast, are not as numerous as blacks or Latinos and are much more highly selected for higher levels of education than most Latino immigrants. Thus they may be viewed more favorably and be more likely to occupy higher positions in the American stratification system than Latinos and blacks, and thus are unlikely to generate negative group-threat effects. Such a hierarchy of group-threat differences accords with the tenets of queuing theory and group position theory, both of which imply that an ordering among groups characterizes the extent to which they face discrimination in the labor market and other contexts in the United States.⁶⁶

One way to gauge the consequences of the country's new ethnoracial diversity, including its implications for color lines, is to examine changes in those factors that are especially good indicators of the dissolution of ethnoracial boundaries. Two of the most important of these are ethnoracial intermarriage and multiracial identification. High and growing levels of these suggest the possibility of boundary dissolution. For example, living among a large coethnic community or residing in a PUMA (Public Use Microdata Area) that is greater than 20 percent Asian positively affects the degree to which interracially married Asians and whites identify their multiracial children as Asian.⁶⁷ Furthermore, comparing patterns of multiracial identification in Hawaii and New Mexico, social psychologists Cookie Stephan and

Walter Stephan find that the higher rate of multiracial reporting in Hawaii reflects its greater multicultural environment; while 73 percent of the Japanese in Hawaii identify multiracially, only 44 percent of Hispanics in New Mexico choose to do so.⁶⁸ Demographer Karl Eschbach, too, discovers regional differences in the choice of an American Indian identity for American Indian/white multiracials, ranging from 33 to 73 percent across the country.⁶⁹ The results of all these studies support the hypothesis that ethnoracial diversity will be positively related to exogamy and multiracial identification.

That intermarriage and multiraciality have been growing is also strongly evident in recent data. By 2010, 11.8 percent of marriages among young Americans (ages 20 to 34) were ethnoracially mixed, almost one in every eight unions.⁷⁰ Moreover, this figure was up from about one in eleven in 2000, a rise of almost a third in just a single decade. This change is all the more notable because it moves in the opposite direction from what one would expect based merely on increases in the number of Latino and Asian immigrants. Such increases have boosted the sizes of minority groups, thus providing *more*, not fewer, potential coethnic spouses.

Higher levels of intermarriage have also occurred in tandem with a growing multiracial population. For instance, 5.3 percent of all children (ages 0 to 17) were identified as multiracial in 2010 (compared to only 1.1 percent of persons age 55 or older). For whites, this figure was 6.4 percent, and among blacks and Asians it was 14.6 percent and 27.9 percent, respectively. (Comparable figures for Latinos are hard to derive because Latinos report various racial origins.)⁷¹ Recent research also shows intermarriage and multiraciality are highest in those parts of the country that are the most diverse; this results in part from more diversity per se, not just

from larger minority populations.⁷² The findings of in-depth qualitative interviews also reveal that respondents see nonblack exogamy and multiraciality in much more favorable terms, and even refer to it as a “nonissue,” than they do black intermarriage.⁷³

America continues to confront the long-standing challenge of reconciling the myths of race and immigration. When Congress passed the Hart-Celler Act in 1965, opening America’s doors to new waves of non-European immigrants, newcomers from Latin America, Asia, and the Caribbean began to change the face of the nation. Neither exactly black nor white, Latino and Asian immigrants have ushered in a new era of diversity, shifting the country from a largely black/white society to one consisting of multiple nonwhite ethnoraical groups. These changes – legal eradication of discrimination, new immigration from Latin America and Asia, new ways of measuring “race” in the U.S. Census, increasing ethnoraical diversity, rising rates of intermarriage, and a growing multiracial population – seem to suggest optimistic conclusions about the breakdown of America’s traditional black/white color line.

The indicators appear to signal that the boundaries between all ethnoraical groups are loosening, thereby paving the way for a new era of cosmopolitan diversity in the twenty-first century. Racial status seems to be declining in significance and loosening its hold as an organizing principle of opportunity in the United States, and the tenacious black/white color line that has long gripped the country appears to be fading. Moreover, the country’s new diversity appears to be contributing to the breakdown of the color line for all groups.

However, when we examine differences in patterns of intermarriage and multiraciality, as revealed both in large national

data sets and in-depth interviews, we arrive at less sanguine conclusions about the declining significance of race for blacks. Not only are rates of intermarriage with whites much lower for blacks than for Asians and Latinos, but blacks are far less likely to identify multiracially compared to Asians and Latinos. Such findings provide evidence that legal and structural changes alone – while of considerable importance – are insufficient to explain notable differences in rates of intermarriage and multiracial identification when we compare blacks to other nonwhite groups. It seems that residues of the cultural and behavioral frameworks that have sustained the black/white divide for centuries continue to linger.

Thus, while the social distance between blacks and other groups may be declining, it is not diminishing at the same pace as it is for Asians and Latinos. Also, the distance among nonblack groups is far smaller than that separating these groups from blacks. Continued immigration from Latin America and Asia serves as a reminder that Asians and Latinos are immigrant groups, and most blacks are not. Because boundaries seem to be loosening for nonwhite immigrant groups, it is tempting to conclude that “race” is declining in significance for blacks as well. But the bulk of recent evidence runs counter to this notion, thus contradicting the conclusion that because ethnoraical status seems not much to impede processes of incorporation for Asians and Latinos, then it must not matter much for blacks either. But it is also false to conclude that because incorporation is so difficult in the case of blacks, it must be equally hard for Asians and Latinos.

It is fallacious to think that “race” is declining in significance for everyone in the United States. It would also be incorrect for policy-makers and the American public in general to favor and endorse “color-blind” policies that fail to consider

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that ethnoracial status still constrains opportunity, most especially for blacks. Recent research on intermarriage and multiracial identification points to a persistent pattern of “black exceptionalism,” one that also emerges in studies of residential segregation, educational attainment, racial attitudes, and friendship networks. And while some blacks are closing the gaps on some of these fronts, this body of research forebodes the continued existence of barriers to full and complete incorporation of many blacks in the United States.

In short, while the disadvantage that Asians and Latinos experience stems more from their immigrant backgrounds than ethnoracial ascriptions per se, the disadvantages that blacks experience stem from the enduring stigma attached to the historical significance of blackness. Although the United States is more ethnoracially diverse than ever before, a consistent tendency toward black exceptionalism is nonetheless implied by the workings of the marriage market and by patterns of multiracial identification, both of which reveal a “diversity paradox” in America. Even while the country exhibits a new diversity, and although intermarriage and multiraciality are projected to increase in the foreseeable future, rates of intermarriage and multiracial reporting are occurring at an uneven pace. Boundaries are dissolving more rapidly for new immigrant groups such as Asians and Latinos than they are for blacks, for whom these boundaries remain very real.

There is another dimension to the diversity paradox. Diversity in itself appears to independently foster the dissolution of boundaries, but this effect is differentially offset by the degree to which Asians, Latinos, and blacks appear to be perceived as threatening. For example, the positive effect of diversity for blacks is trumped by a negative group-threat effect.

For Asians, however, no negative group-threat effect emerges. While diversity also has a positive effect on boundary-weakening for Asians (as it does for blacks), the places where Asians show larger group sizes also have higher rates of multiracial identification. Latinos fall in between blacks and Asians. While diversity has a positive, independent effect for Latinos, their increases in group size, while negative, are not large enough to offset the positive effects of diversity. In sum, while diversity is beneficial, its significance for blacks, Asians, and Latinos is unequal. Although paradoxical, it is critical to keep in mind that even among blacks, the relationship between diversity and multiracial reporting is a positive one, revealing that rising diversity alone is helping break down racial barriers to some extent, even in the case of blacks.

ENDNOTES

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- 1 W.E.B. Du Bois, *The Souls of Black Folk*, ed. David W. Blight and Robert Gooding-Williams (1903; Boston: Bedford Books, 1997), 45.
- 2 Michael C. Dawson, *Not in Our Lifetimes: The Future of Black Politics* (Chicago: University of Chicago Press, 2011); Michael C. Dawson and Lawrence D. Bobo, "Themes and Variations: The Study of Immigration in the Era of the Obama Campaign," *Du Bois Review* 4 (2007): 267–270; Jennifer Hochschild, Vesla Weaver, and Traci Burch, *Creating a New Racial Order: How Immigration, Multiracialism, Genomics, and the Young Can Remake Race in America* (Princeton, N.J.: Princeton University Press, 2012); and David A. Hollinger, "Obama, the Instability of Color Lines, and the Promise of a Postethnic Future," *Callaloo* 31 (4) (2008): 1033–1037. See also *Dædalus* 140 (2) (Spring 2011), in particular the essays by Lawrence D. Bobo, "Somewhere Between Jim Crow & Post-Racialism: Reflections on the Racial Divide in America Today"; Taeku Lee, "Post-Racial & Pan-Racial Politics"; Douglas S. Massey, "The Past & Future of American Civil Rights"; and Jennifer A. Richeson and Maureen A. Craig, "Intra-minority Intergroup Relations."
- 3 Nancy Foner and George M. Fredrickson, *Not Just Black and White: Historical and Contemporary Perspectives on Immigration, Race, and Ethnicity in the United States* (New York: Russell Sage Foundation, 2004).
- 4 Frank D. Bean, Susan K. Brown, and James Bachmeier, "Trends in U.S. Immigration: A Shift Toward Exclusion?" in *Nations of Immigrants: Australia and the USA Compared*, ed. John Nieuwenhuysen and John Higley (Camberley, U.K.: Edward Elgar Publishing, 2009), 42–55.
- 5 Ira Berlin, *Generations of Captivity: A History of African-American Slaves* (Cambridge, Mass.: Harvard University Press, 2003); and W.E.B. Du Bois, *Black Reconstruction in America* (New York: Harcourt, Brace, 1935).
- 6 Oscar Handlin, *The Uprooted: The Epic Story of the Great Migrations that Made the American People* (1951; Boston: Little, Brown, 1973); and Oscar Handlin, *The Americans: A New History of the People of the United States* (Boston: Little, Brown, 1963).
- 7 Allan Nevins, *The Origins of the Land-Grant Colleges and Universities* (Washington, D.C.: Civil War Centennial Commission, 1962).
- 8 Frederick Jackson Turner, "The Significance of the Frontier in American History," *Annual Report of the American Historical Association* (Washington, D.C.: American Historical Association, 1893); Frederick Jackson Turner, *The Frontier in American History* (New York: Holt, Rinehart and Winston, 1920); and Kerwin L. Klein, *Frontiers of Historical Imagination: Narrating the European Conquest of Native America, 1890–1990* (Berkeley: University of California Press, 1997).

- Immigration & the Color Line at the Beginning of the 21st Century*
- 9 Aristide R. Zolberg, *A Nation by Design: Immigration Policy in the Fashioning of America* (New York: Russell Sage Foundation, 2006).
 - 10 David W. Blight, *Race and Reunion: The Civil War in American Memory* (Cambridge, Mass.: Harvard University Press, 2001).
 - 11 Gary Gerstle, "Liberty, Coercion, and the Making of Americans," in *The Handbook of International Migration*, ed. Charles Hirschman, Josh DeWind, and Philip Kasinitz (New York: Russell Sage Foundation, 1999), 275–293; Noel Ignatiev, *How the Irish Became White* (New York: Routledge, 1995); Matthew Freye Jacobson, *Whiteness of a Different Color: European Immigrants and the Alchemy of Race* (Cambridge, Mass.: Harvard University Press, 1998); and David Roediger, "Running Steel, Running America: Race, Economic Policy and the Decline of Liberalism," *Ethnic and Racial Studies* 22 (1999): 1079–1080.
 - 12 Zolberg, *A Nation by Design*; and Carl H. Nightingale, "Before Race Mattered: Geographies of the Color Line in Early Colonial Madras and New York," *American Historical Review* 113 (1) (2008): 48–71.
 - 13 John Higham, *Strangers in the Land: Patterns of American Nativism, 1860–1925* (New York: Atheneum, 1963); and Susan K. Brown, Frank D. Bean, and James Bachmeier, "Aging Societies and the Changing Logic of Immigration," *Generations* 32 (4) (2009): 11–17.
 - 14 Frank D. Bean and Stephanie Bell-Rose, *Immigration and Opportunity: Race, Ethnicity and Employment in the United States* (New York: Russell Sage Foundation, 1999); George M. Fredrickson, *Racism: A Short History* (Princeton, N.J.: Princeton University Press, 2002); and Aldon D. Morris, *Origins of the Civil Rights Movement: Black Communities Organizing for Change* (New York: Simon & Schuster, 1984).
 - 15 Frank D. Bean and Gillian Stevens, *America's Newcomers and the Dynamics of Diversity* (New York: Russell Sage Foundation, 2003); David M. Reimers, *Still the Golden Door: The Third World Comes to America*, 2nd ed. (New York: Columbia University Press, 1992); and John D. Skrentny, *The Minority Rights Revolution* (Cambridge, Mass.: Harvard University Press, 2002).
 - 16 Nathan Glazer, *We Are All Multiculturalists Now* (Cambridge, Mass.: Harvard University Press, 1997).
 - 17 David M. Reimers, *Unwelcome Strangers: American Identity and the Turn Against Immigration* (New York: Columbia University Press, 1998).
 - 18 Richard Alba and Victor Nee, *Remaking the American Mainstream: Assimilation and Contemporary Immigration* (Cambridge, Mass.: Harvard University Press, 2003); and Douglas S. Massey and Karen A. Pren, "Unintended Consequences of U.S. Immigration Policy: Explaining the Post-1965 Surge from Latin America," *Population and Development Review* 38 (1) (2012): 1–29.
 - 19 Michael Eric Dyson, "Race, Post Race," *Los Angeles Times*, November 5, 2008; Thomas L. Friedman, "Finishing Our Work," *The New York Times*, November 5, 2008; Adam Nagourney, "Obama Elected President as Racial Barrier Falls," *The New York Times*, November 5, 2008; and Abigail Thernstrom and Stephan Thernstrom, "Is Race Out of the Race?" *Los Angeles Times*, March 2, 2008.
 - 20 David A. Hollinger, *Postethnic America: Beyond Multiculturalism* (New York: Basic Books, 1995).
 - 21 Hollinger, "Obama, the Instability of Color Lines, and the Promise of a Postethnic Future."
 - 22 Hollinger, *Postethnic America*.
 - 23 Herbert J. Gans, "The Possibility of a New Racial Hierarchy in the Twenty-First Century United States," in *The Cultural Territories of Race: Black and White Boundaries*, ed. Michèle Lamont (Chicago and New York: University of Chicago Press and Russell Sage Foundation, 1999), 371–390.
 - 24 Gary Gerstle, "Liberty, Coercion, and the Making of Americans," in *The Handbook of International Migration*, ed. Hirschman et al., 275–293; and Gary B. Nash, "The Hidden History of Mestizo America," *The Journal of American History* 83 (3) (1995): 941–964.

- 25 Bobo, "Somewhere Between Jim Crow & Post-Racialism"; Hochschild et al., *Creating a New Racial Order*; Massey, "The Past & Future of American Civil Rights"; Lee, "Post-Racial & Pan-Racial Politics"; and Roger Waldinger, "Immigration: The New American Dilemma," *Dædalus* 140 (2) (Spring 2011): 215–225.
- 26 Commission on Wartime Relocation and Internment of Civilians, *Personal Justice Denied* (Seattle: University of Washington Press, 1997).
- 27 John D. Skrentny, *The Minority Rights Revolution* (Cambridge, Mass.: Harvard University Press, 2002).
- 28 Hollinger, *Postethnic America*.
- 29 Hollinger, "Obama, the Instability of Color Lines, and the Promise of a Postethnic Future."
- 30 Gary Y. Okihiro, *Margins and Mainstreams: Asians in American History and Culture* (Seattle: University of Washington Press, 1994); and Ronald T. Takaki, *Strangers from a Different Shore: A History of Asian Americans* (Boston: Little, Brown, 1989).
- 31 Eduardo Bonilla-Silva, "From Bi-racial to Tri-racial," *Ethnic and Racial Studies* 27 (6) (2004): 931–950; and Eduardo Bonilla-Silva, "We Are All Americans," *Race and Society* 5 (1) (2004): 3–16.
- 32 Edward Murguia and Rogelio Sáenz, "An Analysis of the Latin Americanization of Race in the United States," *Race and Society* 5 (1) (2004): 85–101.
- 33 Ibid.; and Tyrone Forman, Carla Goar, and Amanda E. Lewis, "Neither Black nor White?" *Race and Society* 5 (1) (2004): 65–84.
- 34 Forman et al., "Neither Black nor White?"
- 35 Ibid.
- 36 Richard Alba, *Ethnic Identity: The Transformation of White America* (New Haven, Conn.: Yale University Press, 1990); Gans, "The Possibility of a New Racial Hierarchy in the Twenty-First Century United States"; Todd Gitlin, *The Twilight of Common Dreams* (New York: Metropolitan, 1995); Glazer, *We Are All Multiculturalists Now*; David A. Hollinger, "Amalgamation and Hypodescent: The Question of Ethnoracial Mixture in the History of the United States," *American Historical Review* 108 (5) (2003): 1363–1390; Joel Perlmann, "Reflecting the Changing Face of America: Multiracials, Racial Classification, and American Inter-marriage," in *Interracialism: Black-White Inter-marriage in American History, Literature, and Law*, ed. Werner Sollors (New York: Oxford University Press, 2000), 506–533; Roger Sanjek, "Inter-marriage and the Future of the Races," in *Race*, ed. Steven Gregory and Roger Sanjek (New Brunswick, N.J.: Rutgers University Press, 1994), 103–130; Mary C. Waters, *Black Identities: West Indian Immigrant Dreams and American Realities* (New York and Cambridge, Mass.: Russell Sage Foundation and Harvard University Press, 1999); and George Yancey, *Who Is White?* (Boulder, Colo.: Lynne Rienner, 2003).
- 37 Richard Alba, *Italian Americans: Into the Twilight of Ethnicity* (Englewood Cliffs, N.J.: Prentice Hall, 1985); Richard Alba, *Ethnic Identity: The Transformation of White America* (New Haven, Conn.: Yale University Press, 1990); Karen Brodtkin, *How Jews Became White Folks, and What That Says About Race in America* (New Brunswick, N.J.: Rutgers University Press, 1998); Gerstle, "Liberty, Coercion, and the Making of Americans," in *The Handbook of International Migration*, ed. Hirschman et al.; Ignatiev, *How the Irish Became White*; Jacobson, *Whiteness of a Different Color*; and David Roediger, *The Wages of Whiteness: Race and the Making of the American Working Class* (New York and London: Verso, 1991).
- 38 Roediger, *The Wages of Whiteness*.
- 39 James Loewen, *The Mississippi Chinese: Between Black and White* (Cambridge, Mass.: Harvard University Press, 1971).
- 40 Gans, "The Possibility of a New Racial Hierarchy in the Twenty-First Century United States"; Charles A. Gallagher, "Racial Redistricting: Expanding the Boundaries of Whiteness," in

- The Politics of Multiracialism: Challenging Racial Thinking*, ed. Heather M. Dalmage (Albany: State University of New York Press, 2004), 59–76; Gerstle, “Liberty, Coercion, and the Making of Americans”; Ian Haney-Lopez, *White by Law: The Legal Construction of Race* (New York: New York University Press, 1996); and Jonathan W. Warren and France Winddance Twine, “White Americans, the New Minority?” *Journal of Black Studies* 28 (2) (1997): 200–218.
- 41 Camille Zubrinsky Charles, “The Dynamics of Racial Residential Segregation,” *Annual Review of Sociology* 29 (2003): 167–207; Douglas S. Massey and Nancy A. Denton, *American Apartheid: Segregation and the Making of the Underclass* (Cambridge, Mass.: Harvard University Press, 1993); and Domenico Parisi, Daniel T. Lichter, and Michael C. Taquino, “Multi-Scale Residential Segregation: Black Exceptionalism and America’s Changing Color Line,” *Social Forces* 89 (3) (2011): 829–852.
- 42 Gerstle, “Liberty, Coercion, and the Making of Americans”; Hollinger, “Amalgamation and Hypodescent”; Perlmann, “Reflecting the Changing Face of America”; and Joel Perlmann and Roger Waldinger, “Second Generation Decline? Children of Immigrants, Past and Present – A Reconsideration,” *International Migration Review* 31 (4) (1997): 893–922.
- 43 France Winddance Twine, “Brown-Skinned White Girls,” *Gender, Place, and Culture* 3 (2) (1996): 205–224; and Hollinger, *Postethnic America*.
- 44 Warren and Twine, “White Americans, the New Minority?”
- 45 Gerstle, “Liberty, Coercion, and the Making of Americans”; Hollinger, “Amalgamation and Hypodescent”; Perlmann, “Reflecting the Changing Face of America”; and Perlmann and Waldinger, “Second Generation Decline?”
- 46 Nancy Foner, *In a New Land: A Comparative View of Immigration* (New York: New York University Press, 2005); Waters, *Black Identities*; and Katja M. Guenther, Sadie Pendaz, and Fortunata Songora Makene, “The Impact of Intersecting Dimensions of Inequality and Identity on the Racial Status of Eastern African Immigrants,” *Sociological Forum* 26 (1) (2011): 98–120.
- 47 Waters, *Black Identities*.
- 48 Ibid.
- 49 Herbert J. Gans, “Race as a Class,” *Contexts* 4 (4) (2005): 17–21.
- 50 Glazer, *We Are All Multiculturalists Now*; and Yancey, *Who Is White?*
- 51 Jennifer Lee and Frank D. Bean, *The Diversity Paradox: Immigration and the Color Line in 21st Century America* (New York: Russell Sage Foundation, 2010); and Michael C. Dawson and Julie Lee Merseth, “Racial Pessimism in the Early Obama Era,” paper presented at the Annual Meeting of the American Political Science Association, Seattle, Washington, September 1–4, 2011.
- 52 Susan K. Brown and Frank D. Bean, “International Migration,” in *Handbook of Population*, ed. Dudley L. Poston, Jr., and Michael Micklin (New York: Kluwer Academic Publishers, 2005), 347–382.
- 53 Steven Ruggles, J. Trent Alexander, Katie Genadek, Ronald Goeken, Matthew B. Schroeder, and Matthew Sobek, *Integrated Public Use Microdata Series: Version 5.0* [Machine-readable database] (Minneapolis: University of Minnesota, 2010).
- 54 U.S. Office of Immigration Statistics, *2009 Yearbook of Immigration Statistics* (Washington, D.C.: U.S. Department of Homeland Security, 2010).
- 55 Ruggles et al., *Integrated Public Use Microdata Series: Version 5.0*.
- 56 Jennifer Lee and Min Zhou, *Asian American Youth: Culture, Identity, and Ethnicity* (New York and London: Routledge, 2004); and James P. Smith and Barry Edmonston, *The New Americans: Economic, Demographic, and Fiscal Effects of Immigration* (Washington, D.C.: National Academy Press, 1997).
- 57 Gordon W. Allport, *The Nature of Prejudice* (Reading, Mass.: Addison-Wesley, 1954).

58 Lee and Bean, *The Diversity Paradox*.

59 Yochai Benkler, *The Wealth of Networks: How Social Production Transforms Markets and Freedom* (New Haven, Conn.: Yale University Press, 2006); Amy Chua, *Day of Empire: How Hyperpowers Rise to Global Dominance – and Why They Fall* (New York: Doubleday, 2007); David Singh Grewal, *Network Power: The Social Dynamics of Globalization* (New Haven, Conn.: Yale University Press, 2008); Cedric Herring, “Does Diversity Pay? Race, Gender, and the Business Case for Diversity,” *American Sociological Review* 74 (2) (2009): 208–224; and Scott E. Page, *The Difference: How the Power of Diversity Creates Better Groups, Firms, Schools, and Societies* (Princeton, N.J.: Princeton University Press, 2007).

60 Philip Kasinitz, John H. Mollenkopf, Mary C. Waters, and Jennifer Holdaway, *Inheriting the City: The Children of Immigrants Come of Age* (New York and Cambridge, Mass.: Russell Sage Foundation and Harvard University Press, 2008).

61 Peter M. Blau, *Inequality and Heterogeneity* (New York: The Free Press, 1977); Peter M. Blau and Joseph E. Schwartz, *Crosscutting Social Circles: Testing a Macrostructural Theory of Inter-group Relations* (Orlando, Fla.: Academic Press, 1984); and Edward O. Laumann, *Bonds of Pluralism: The Form and Substance of Urban Social Networks* (New York: John Wiley, 1973).

62 Hubert M. Blalock, *Toward a Theory of Minority-Group Relations* (New York: John Wiley, 1967); Blau, *Inequality and Heterogeneity*; and Garth Massey, Randy Hodson, and Dusko Sekulic, “Ethnic Enclaves and Intolerance: The Case of Yugoslavia,” *Social Forces* 78 (2) (1999): 669–693.

63 Blalock, *Toward a Theory of Minority-Group Relations*; Mark A. Fossett, “Urban and Spatial Demography,” in *Handbook of Population*, ed. Poston and Micklin; and Mark A. Fossett and Therese Seibert, *Long Time Coming: Trends in Racial Inequality in the Nonmetropolitan South since 1940* (Boulder, Colo.: Westview Press, 1997).

64 Zolberg, *A Nation by Design*.

65 Philip Kasinitz and Jan Rosenberg, “Missing the Connection: Social Isolation and Employment on the Brooklyn Waterfront,” *Social Problems* 43 (2) (1996): 180–196; Joleen Kirschenman and Kathryn M. Neckerman, “‘We’d Love to Hire Them, But . . .’: The Meaning of Race for Employers,” in *The Urban Underclass*, ed. Christopher Jencks and Paul E. Peterson (Washington, D.C.: Brookings Institution Press), 203–232; Jennifer Lee, *Civility in the City: Blacks, Jews, and Koreans in Urban America* (Cambridge, Mass.: Harvard University Press, 2002); Roger Waldinger and Michael I. Lichter, *How the Other Half Works: Immigration and the Social Organization of Labor* (Berkeley and Los Angeles: University of California Press, 2003); and Mary C. Waters, “West Indians and African Americans at Work: Structural Differences and Cultural Stereotypes,” in *Immigration and Opportunity: Race, Ethnicity, and Employment in the United States*, ed. Frank D. Bean and Stephanie Bell-Rose (New York: Russell Sage Foundation, 1999), 194–227.

66 Stanley Lieberson, *A Piece of the Pie: Blacks and White Immigrants since 1880* (Berkeley: University of California Press, 1980); Arthur Sakamoto, Jeng Liu, and Jessie M. Tzeng, “The Declining Significance of Race Among Chinese and Japanese American Men,” *Research in Social Stratification and Mobility* 16 (1998): 225–246; Lawrence Bobo, “The Color Line, the Dilemma, and the Dream: Race Relations in America at the Close of the Twentieth Century,” in *Civil Rights and Social Wrongs: Black-White Relations since World War II*, ed. John Higham (University Park: Pennsylvania State University Press, 1997), 31–55; Lawrence Bobo, “Prejudice as Group Position: Microfoundations of a Sociological Approach to Racism and Race Relations,” *Journal of Social Issues* 55 (3) (1999): 445–472; Lawrence D. Bobo, “Inequalities That Endure? Racial Ideology, American Politics, and the Peculiar Role of the Social Sciences,” in *The Changing Terrain of Race and Ethnicity*, ed. Maria Krysan and Amanda E. Lewis (New York: Russell Sage Foundation, 2004), 13–42; Lawrence Bobo and Vincent L. Hutchings, “Perceptions of Racial Group Competition: Extending Blumer’s Theory of Group Position to a Multiracial Social Context,” *American Sociological Review* 61 (6) (1996): 951–972; Lawrence D. Bobo and Mia Tuan, *Prejudice in Politics: Group Position, Public Opinion, and the Wisconsin Treaty Rights*

Frank D.
Bean,
Jennifer Lee
& James D.
Bachmeier

Controversy (Cambridge, Mass.: Harvard University Press, 2005); Jeffrey C. Dixon, "The Ties That Bind and Those That Don't: Toward Reconciling Group Threat and Contact Theories of Prejudice," *Social Forces* 84 (4) (2006): 2179–2202; and Michael W. Link and Robert W. Oldendick, "Social Construction and White Attitudes toward Equal Opportunity and Multiculturalism," *Journal of Politics* 58 (1) (1996): 149–168.

⁶⁷ Rogelio Sáenz, Sean-Shong Hwang, Benigno E. Aguirre, and Robert N. Anderson, "Persistence and Change in Asian Identity Among Children of Intermarried Couples," *Sociological Perspectives* 38 (2) (1995): 175–194; and Yu Xie and Kimberly Goyette, "The Racial Identification of Biracial Children with One Asian Parent: Evidence from the 1990 Census," *Social Forces* 76 (2) (1997): 547–570.

⁶⁸ Cookie White Stephan and Walter G. Stephan, "After Intermarriage: Ethnic Identity Among Mixed-Heritage Japanese-Americans and Hispanics," *Journal of Marriage and the Family* 51 (1989): 507–519.

⁶⁹ Karl Eschbach, "The Enduring and Vanishing American Indian: American Indian Population Growth and Intermarriage in 1990," *Ethnic and Racial Studies* 18 (1) (1995): 89–108.

⁷⁰ Ruggles et al., *Integrated Public Use Microdata Series: Version 5.0*.

⁷¹ Ibid.

⁷² Lee and Bean, *The Diversity Paradox*.

⁷³ Ibid.

Immigration & Language Diversity in the United States

Rubén G. Rumbaut & Douglas S. Massey

Abstract: While the United States historically has been a polyglot nation characterized by great linguistic diversity, it has also been a zone of language extinction in which immigrant tongues fade and are replaced by monolingual English within a few generations. In 1910, 10 million people reported a mother tongue other than English, notably German, Italian, Yiddish, and Polish. The subsequent end of mass immigration from Europe led to a waning of language diversity and the most linguistically homogenous era in American history. But the revival of immigration after 1970 propelled the United States back toward its historical norm. By 2010, 60 million people (a fifth of the population) spoke a non-English language, especially Spanish. In this essay, we assess the effect of new waves of immigration on language diversity in the United States, map its evolution demographically and geographically, and consider what linguistic patterns are likely to persist and prevail in the twenty-first century.

Contrary to what some Americans seem to believe, the United States historically has been a polyglot nation containing a diverse array of languages. At the time of independence, non-English European immigrants made up one-quarter of the population; in Pennsylvania, two-fifths of the population spoke German.¹ In addition, an unknown but presumably significant share of the new nation's inhabitants spoke an American-Indian or African language, suggesting that perhaps one-third or more of all Americans spoke a language other than English. With the Louisiana Purchase in 1803 (which doubled the size of the country), the Treaty of 1818 with Britain (which added the Oregon Country), the Adams-Onís Treaty of 1819 with Spain (which gave Florida to the United States), and the Treaty of Guadalupe Hidalgo in 1848 (which acquired nearly half of Mexico), tens of thousands of French and Spanish speakers, along with many more slaves and the diverse indigenous peoples of those vast territories, were added to the linguistic

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mix.² The addition of Alaska and Hawaii would follow before the end of the nineteenth century.

Although conquest clearly played a role in the eighteenth and nineteenth centuries, language diversity in the United States has been driven primarily by immigration. Germans and Celts entered in large numbers in the 1840s and 1850s, followed by Scandinavians after the Civil War in the 1870s and 1880s, and then by Slavs, Jews, and Italians from the 1880s to the first decades of the twentieth century. According to the 1910 census, which counted a national population of 92 million, 10 million immigrants reported a mother tongue other than English or Celtic (Irish, Scotch, Welsh), including 2.8 million speakers of German, 1.4 million speakers of Italian, 1.1 million speakers of Yiddish, 944,000 speakers of Polish, 683,000 speakers of Swedish, 529,000 speakers of French, 403,000 speakers of Norwegian, and 258,000 speakers of Spanish.

Linguistic diversity began to wane with the cessation of mass European immigration, which ended abruptly with the outbreak of World War I in 1914. European immigration revived somewhat afterward, but then lapsed into a “long hiatus” during which flows were truncated by restrictive U.S. immigration quotas, a global depression, a second world war, and ultimately the transformation of Europe into a zone of immigration rather than emigration.³ As a result, the percentage of foreign born fell steadily in the United States, dropping from 14.7 percent in 1910 to a nadir of 4.7 percent in 1970,⁴ at which point language diversity had dwindled to the point where the Census Bureau stopped asking its question on mother tongue.

The great American paradox is that while the United States historically has been characterized by great linguistic diversity propelled by immigration, it has also been a zone of language extinction,

in which immigrant tongues die out and are replaced by monolingual English. Although ethnic identities may survive in some form into the third and fourth generations or even beyond, immigrant languages generally suffer early deaths in America.⁵ This demise occurs not because of an imposition or compulsion from outside, but because of social, cultural, economic, and demographic changes within linguistic communities themselves.⁶ Based on an extensive study of America’s historical experience, sociologist Calvin Veltman concluded that in the absence of immigration, all non-English languages would eventually die out, usually quite rapidly.⁷

The revival of mass immigration after 1970 spurred a resurgence of linguistic diversity in the United States and propelled the nation back toward its historical norm. The postwar period in which today’s older white Americans came of age was likely the most linguistically homogeneous era in U.S. history. Compared to what came before and after, however, it was an aberration. The collective memory of those who grew up between the 1940s and 1970 thus yields a false impression of linguistic practice in America. From a low of 4.7 percent in 1970, the percentage of foreign born rose steadily to reach 12.9 percent in 2010, much closer to its historic highs. In this essay, we assess the effect of these new waves of mass immigration on language diversity in the United States and consider whether the socio-historical reality of language extinction and English dominance will prevail in the twenty-first century.

Language diversity refers to the number of languages spoken in the United States and the number of people who speak them. Since 1980, information on languages spoken has been gathered from three questions posed to census and

survey respondents: Does this person speak a language other than English at home? What is this language? And how well does this person speak English? Among other purposes, answers to these questions are used to determine bilingual election requirements under the Voting Rights Act of 1965. These questions were asked of all persons aged five and older on the censuses of 1980 through 2000, and in 2010 on the American Community Survey (ACS), which replaced the census long form. Table 1 summarizes these data by showing the share of U.S. residents who said they spoke a non-English language at home, as well as the share who spoke only English, by decade between 1980 and 2010. Because Spanish is by far the most widely spoken non-English tongue in the United States, we also report the share that speaks Spanish at home.

As one would expect during an age of mass immigration, the percentage speaking only English at home has steadily fallen in recent decades, declining from 89.1 percent in 1980 to 79.7 percent in 2010, while the share speaking a language other than English correspondingly rose from 11 percent to 20.3 percent. In absolute numbers, the number of persons five years and older speaking a language other than English at home rose from 23.1 million to 59.5 million, with over two-thirds of the increase attributable to the growing number of people speaking Spanish at home, who at 37 million made up 12.6 percent of the total population, but 62.2 percent of all non-English speakers in 2010. Most of the increase in Spanish language use was driven by mass immigration from Latin America. Indeed, most (56.7 percent) of the country's nearly 60 million speakers of non-English languages *are* immigrants. Among those who spoke only English at home in 2010, just 2.6 percent were born outside the United States (mostly immigrants from English-speaking countries);

among those who spoke Spanish, half (49.4 percent) were foreign born.

Table 2 examines the geography of foreign language use by showing the share of persons aged five and older speaking a non-English language at home in selected states and metropolitan areas. To create the list, we examined all fifty states and metropolitan areas with at least 500,000 inhabitants and ranked the top twenty-five according to the percentage of non-English speakers. The two lists clearly reveal that speaking a foreign language is a phenomenon of the nation's periphery rather than its heartland, concentrated in cities and states along the coasts, the Great Lakes, and the U.S.-Mexico border. Only four of the states on the list are neither on a coast, a lake, or the border, and all of them were part of the Mexican Cession of 1848 (Nevada, Colorado, Utah in full, and Kansas in part). Kansas stands alone as the single heartland state on the list, with 10.6 percent of its population speaking a non-English language at home. California tops the list with 43.3 percent speaking a non-English language at home, followed by 36.1 percent in New Mexico, 34.5 percent in Texas, and over 29 percent in both New York and New Jersey. The states listed in Table 2 clearly reflect the influence of mass immigration, as the list includes the most important immigrant-receiving states (California, New York, New Jersey, Texas, Florida, and Illinois) as well as a number of emerging immigrant destinations (Arizona, North Carolina, Virginia, Georgia, Utah, and Nevada). In a country where by 2010 over one in five persons (20.3 percent) spoke a foreign language at home, West Virginia, Mississippi, Kentucky, Montana, North Dakota, and Alabama stood in sharp contrast, with 95 to 98 percent of their populations speaking English only.

Language diversity, like immigration, is also chiefly a metropolitan phenome-

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Immigration & Language Diversity in the United States Table 1
 Language Use Patterns in the United States, 1980 – 2010

	1980		1990		2000		2010		Foreign born %
Languages spoken at home	<i>N</i> (millions)	%	<i>N</i> (millions)	%	<i>N</i> (millions)	%	<i>N</i> (millions)	%	
Total Population 5 years or older	210.2	100	230.4	100	262.4	100	289.2	100	13.6
Spoke English only	187.2	89.1	198.6	86.2	215.5	82.1	229.7	79.7	2.6
Spoke non-English language	23.1	11.0	31.8	13.8	47.0	17.9	59.5	20.3	56.7
Spoke Spanish	11.1	5.3	17.3	7.5	28.1	10.7	37.0	12.6	49.4

Source: 1980, 1990, and 2000 U.S. censuses; 2010 American Community Survey.

Table 2
 Percent of Population (those five years or older) Speaking a Non-English Language at Home in Selected States and Metro Areas, 2008 – 2010, by Ranking

Top 25 States	%	Top 25 Metros	%
California	43.4	McAllen, TX	85.4
New Mexico	36.1	El Paso, TX	74.7
Texas	34.5	Miami, FL	73.0
New York	29.6	Jersey City, NJ	59.0
New Jersey	29.1	Los Angeles, CA	56.8
Nevada	28.8	San Jose, CA	50.8
Arizona	27.0	New York, NY	46.3
Florida	27.0	Orange County, CA	44.8
Hawaii	26.0	Fresno, CA	43.1
Illinois	21.9	San Francisco, CA	42.2
Massachusetts	21.5	Bakersfield, CA	41.0
Rhode Island	21.0	Riverside, CA	40.5
Connecticut	20.8	Bergen-Passaic, NJ	40.5
Washington	17.8	San Antonio, TX	40.2
Colorado	16.9	Houston, TX	38.8
Maryland	16.4	Oakland, CA	38.8
Alaska	16.0	Ventura, CA	37.4
Oregon	14.5	Fort Lauderdale, FL	37.1
Virginia	14.4	San Diego, CA	36.9
Utah	14.1	Middlesex-Somerset, NJ	34.4
District of Columbia	13.9	Las Vegas, NV	32.8
Georgia	12.9	Dallas, TX	32.1
Delaware	12.1	Albuquerque, NM	31.3
Kansas	10.6	Vallejo-Fairfield-Napa, CA	30.9
North Carolina	10.6	Chicago-Gary, IL	30.2

Source: American Community Survey, 2008 – 2010 merged files.

non. Over 91 percent of the population of non-metropolitan areas in the United States speaks English only. The twenty-five metropolitan areas with the highest percentages of residents who speak a non-English language at home are confined entirely to the six gateway states, as shown in Table 2; the only exceptions are Las Vegas and Albuquerque. The largest shares of people living in homes where a language other than English is spoken are found, not surprisingly, in the large border metropolises of McAllen and El Paso, Texas, where 85.4 percent and 74.7 percent of the populations, respectively, speak a non-English language at home (overwhelmingly Spanish). Miami (73 percent), Jersey City (59 percent), Los Angeles (56.8 percent), and San Jose (50.8 percent) are also home to large shares of non-English speakers. Even at the bottom of the list, 30.2 percent of the Chicago metropolitan area population speaks a non-English language at home. Thus, traditional gateway metropolitan areas are bastions of non-English usage. Among metropolitan areas of newer immigrant settlement that do not appear in Table 2, by 2010, only Tucson, Phoenix, Seattle, and Denver exceeded the national non-English-usage norm of 20 percent; but Portland, Atlanta, Salt Lake City, and Raleigh-Durham were not far behind.

The dominance of Spanish among foreign languages in the United States today sets the current age of mass immigration apart from earlier eras in the nineteenth and early twentieth centuries. In 1910, for example, the most common non-English language, German, was listed as the mother tongue by just 20.7 percent of the foreign-born population, followed by Italian at 10.2 percent, Yiddish at 7.9 percent, Polish at 7.1 percent, and Swedish at 5.1 percent. No other language exceeded 4 percent. In contrast, the ACS recorded some 382 languages spoken in the United

States today, which for purposes of presentation were coded into 39 languages and language groups, the largest of which are summarized in Table 3. Here we draw on merged ACS files for 2008–2010 to achieve greater reliability in estimating data for languages spoken by few people overall, yielding samples and estimates that pertain roughly to 2009.

The first two columns of the table show the estimated number and percentage of people aged five and above who reported speaking various languages at home (though for non-English speakers, no official data are collected on their fluency in or frequency of use of their non-English language). As already noted, Spanish dominates among non-English languages spoken in the United States. In all, 12.6 percent of U.S. residents aged five or above said they spoke Spanish at home. The next closest language was Chinese, accounting for just 0.9 percent of the population, followed by Hindi, Urdu, and related languages at 0.7 percent, Tagalog and related Filipino languages at 0.6 percent, and Vietnamese at 0.5 percent. No other language category exceeded 0.5 percent. Moreover, the two largest non-English categories after Spanish hide considerable diversity, given the many mutually unintelligible varieties of Chinese and the diversity of tongues spoken by people from the Indian subcontinent.

The right-hand columns show the percentages of language speakers born abroad and in the United States. Among those speaking Asian languages, the vast majority were born abroad, with two exceptions: those who speak Khmer, Hmong, Lao, and related languages, 34.3 percent of whom were native born; and those who speak Japanese, 39.6 percent of whom were native born. The former figure reflects very high levels of fertility and declining immigration after 1990 for groups from Laos and Cambodia, whereas the latter

Table 3
Main Languages Spoken (by those five years or older) in the United States and Nativity of Speakers, 2008 – 2010

Languages spoken	Estimated N of speakers	% of population	% of speakers foreign born	% of speakers U.S. born
English-only	228,285,377	79.7	2.6	97.4
Non-English languages	58,266,345	20.3	56.7	43.3
Europe/Americas:				
Spanish	36,149,240	12.6	49.4	50.6
French*	1,267,188	0.4	38.6	61.4
German**	1,102,804	0.4	38.6	61.4
Russian	849,796	0.3	82.6	17.4
Italian	738,871	0.3	40.6	59.4
Haitian Creole	696,163	0.2	71.5	28.5
Portuguese	689,697	0.2	70.5	29.5
Polish	583,427	0.2	66.7	33.3
Greek	313,092	0.1	42.1	57.9
East/South Asia:				
Chinese	2,633,123	0.9	78.0	22.0
Hindi, Urdu, and related	2,088,057	0.7	81.4	18.6
Filipino Tagalog and related	1,709,651	0.6	87.1	12.9
Vietnamese	1,338,309	0.5	76.7	23.3
Korean	1,124,994	0.4	80.7	19.3
Khmer, Hmong, Lao, and related	748,896	0.3	65.7	34.3
Dravidian	595,019	0.2	88.5	11.5
Japanese	455,253	0.2	60.4	39.6
West Asia/North Africa				
Arabic	819,678	0.3	69.5	30.5
Persian (Farsi)	370,759	0.1	79.5	20.5
All other languages	3,992,328	1.4	61.3	38.7
Total (five years or older)	286,551,722	100	13.6	86.4

*French excludes Patois, Cajun, and Haitian Creole. **German excludes Pennsylvania Dutch. Source: American Community Survey, 2008 – 2010 merged files.

reflects the high levels of education attained by the Japanese, who are also the only Asian-origin population that is primarily U.S. born. The share of speakers born in the United States does not exceed 25 percent for any other Asian language. Speakers of Arabic and Farsi are likewise dominated by immigrants, with just 30.5 percent of the former and 20.5 percent of the latter being native born.

Among languages spoken in Europe and the Americas, the percentages of immigrant versus U.S.-born speakers are quite variable. Russian, Creole, Portuguese, and Polish are at one extreme, with 17.4 percent, 28.5 percent, 29.5 percent, and 33.3 percent of respective speakers being born in the United States. French, German, Italian, and Greek are at the other extreme, with 61.4 percent, 61.4 percent, 49.4 per-

cent, and 57.9 percent of respective speakers being U.S. born. Spanish speakers lie in-between these two extremes, with roughly half being born in the United States and half abroad.

Speaking a foreign tongue at home does not necessarily imply a lack of fluency in English, of course; but given the nation's well-established reputation as a graveyard for immigrant languages, the prospects for stable bilingualism in the United States appear slim. As in past censuses, the ACS does not ask Americans how well they speak a non-English language; instead, those who report that they speak a non-English language at home are asked how well they speak English. (Those who did not answer the question are assumed to speak English only.) Table 4 examines the English language proficiency of the nearly 60 million people who speak a foreign language at home by showing the percentage who reported speaking English only, speaking English very well, and speaking English not well or not at all. (The residual, not shown, is the percentage who reported speaking English "well.") We show percentages for non-Hispanic whites, non-Hispanic blacks, and major ethnic groups of Latin American and Asian origins, along with the percentage foreign born in each group. Once again, we pooled the 2008–2010 waves of the ACS to derive more reliable estimates.

As one might expect, the overwhelming majority of non-Hispanic whites and blacks (93 percent to 94 percent) speak English only, with almost all of the small remainder speaking it very well (4 percent to 5 percent). In sharp contrast, as shown in the column on the percentages of foreign born, while well over 90 percent of non-Hispanic whites and blacks are natives, most Latin American and Asian groups are heavily populated by immigrants. The principal exceptions

among Hispanics are Mexicans (just 36.2 percent foreign born) and Puerto Ricans (almost all of whom are U.S. citizens by birth, though many are island born). Among other Latin American groups, the percent of foreign born ranges from 57 percent to 67 percent. Even more than Latin Americans, Asian groups tend to be dominated by immigrants, with the sole exception of the Japanese, among whom only 40.2 percent were born abroad. Among those of other Asian origins, the share born abroad ranges from 54 percent to 74 percent.

Groups with lower shares of foreigners generally exhibit higher rates of mother tongue extinction, with 55.6 percent of Japanese speaking English only, compared with figures of 34.9 percent among Puerto Ricans and 24.3 percent among Mexicans. Despite their concentration in areas where Spanish is widely spoken, therefore, roughly one-third of Puerto Ricans and one-fourth of Mexican Americans have made the transition to monolingual English. Apart from these national origins, few Latin American groups have made the shift to English only, with the share ranging from around 9 percent among Dominicans, Salvadorans, and Guatemalans (groups with lower levels of education) to 16 percent among those in the residual "other Latin American" category and 17.6 percent among Cubans (who have been in the United States longer than other Latin American groups, except Mexicans and Puerto Ricans).

A relatively high percentage of Filipinos (32.9 percent) also speak English only, despite the fact that two-thirds of them are foreign born. The Philippines, of course, are a former American colony where English is widely taught and commonly spoken by the educated. Compared with Latin Americans, the share of Asians speaking only English is somewhat higher, but always well below one-

Rubén G. Rumbaut & Douglas S. Massey

Immigration & Language Diversity in the United States Table 4
 Size, Immigrant Share, and English Proficiency of U.S. Ethnic Groups, 2008 – 2010

Ethnic/pan-ethnic groups	N	% of U.S. population	% foreign born	Speaks English...*		
				only	very well	not well or not at all
White, non-Hispanic	199,925,233	65.2	3.8	94.2	4.1	0.7
Black, non-Hispanic	39,405,797	12.8	7.7	93.1	4.6	0.9
Latin American Origins:						
Mexican	32,054,091	10.4	36.2	24.3	38.8	22.9
Puerto Rican (in mainland)	4,562,169	1.5	1.1	34.9	46.5	8.3
Cuban	1,760,256	0.6	58.9	17.6	41.4	27.2
Dominican	1,421,609	0.5	57.1	8.8	45.6	28.8
Salvadoran, Guatemalan	2,811,922	0.9	65.5	8.7	34.3	37.7
Colombian	943,989	0.3	65.8	13.4	45.3	20.2
Peruvian, Ecuadorian	1,201,984	0.4	66.7	11.3	41.9	25.6
Other Central/South American	2,169,199	0.7	64.5	15.9	42.8	23.4
Asian origins:						
Chinese	3,369,879	1.1	69.0	18.0	36.4	23.8
Asian Indian	2,831,277	0.9	72.6	20.3	57.7	7.3
Filipino	2,590,676	0.8	66.0	32.9	45.0	5.2
Vietnamese	1,601,842	0.5	68.0	12.1	34.8	28.9
Korean	1,492,080	0.5	74.1	21.8	32.8	22.5
Japanese	816,299	0.3	40.2	55.6	20.7	9.0
Cambodian, Hmong, Laotian	734,354	0.2	54.3	14.7	43.0	22.1
Other Asian	1,227,546	0.4	59.1	27.4	41.6	11.5
All other ethnic groups	5,818,232	1.9	12.2	65.3	25.4	3.7
Total population	306,738,434	100	12.8	79.7	11.6	4.7

*Asked of those (ages five and older) speaking a language other than English at home. Source: American Community Survey, 2008 – 2010 merged files.

third of the population, except for Filipinos and the Japanese. Among other Asian groups, the percentage speaking only English ranges from 12 percent among the Vietnamese to 27 percent in the residual “other Asian” category.

Those Latin Americans and Asians who report speaking English very well must be at least somewhat bilingual, since they speak another language at home (though we cannot determine how well from the official statistics). Bilingualism defined in this rough way is most common among Asian Indians (57.5 percent), but is also

relatively common among Puerto Ricans, Cubans, Dominicans, Colombians, Peruvians, and other Central or South Americans, for each of whom the percentage speaking English very well ranged from 41 percent to 47 percent. Filipinos, Laotians, Cambodians, and other Asians also display “bilingual” rates in the same range.

Despite a preponderance of immigrant origins in most of these groups, the percentage who speak no or limited English is fairly low – under 30 percent for all groups except Salvadorans and Guatemalans, many of whom have indigenous mother

tongues, have lower levels of education, and have more recently arrived without documentation. In some groups – Puerto Ricans, Asian Indians, Filipinos, and the Japanese – the share speaking little or no English is under 10 percent. Taken together, those who speak English only and those who speak it very well roughly indicate the degree of English language fluency, and by this criterion a majority of all groups are fluent in English, again with the exception of Salvadorans and Guatemalans, as well as the Vietnamese. Among other groups, the share speaking English only or very well ranges from 53 percent among Peruvians and Ecuadorans to 81 percent among Puerto Ricans. In general, Latin Americans are just as likely to speak English proficiently as are Asians, which is consistent with recent survey data suggesting that huge majorities of Hispanics, including recently arrived non-citizens, view learning English as “very important.”⁸

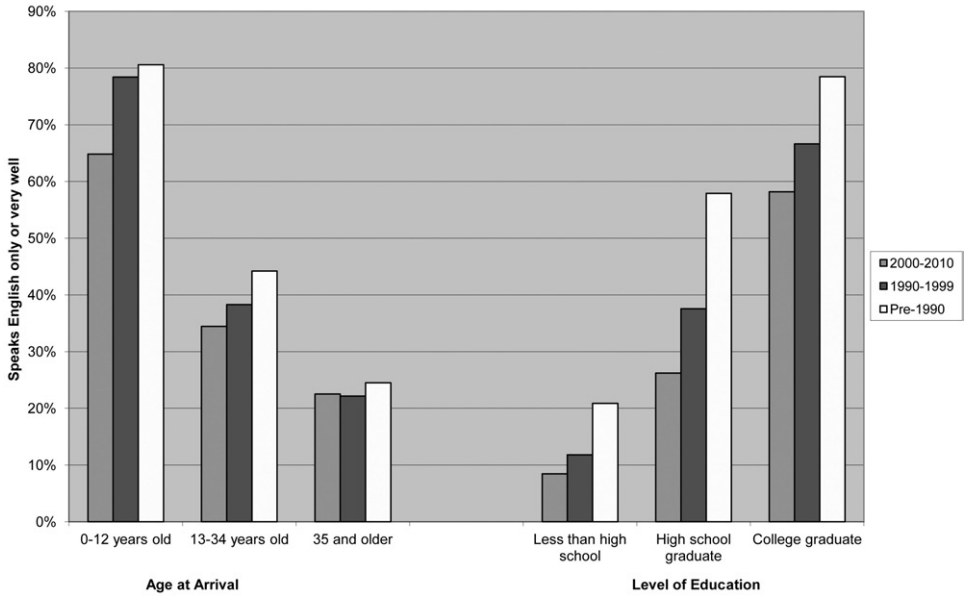
Three key determinants of English language fluency among the foreign born (from non-English-speaking countries) are age at arrival, years of education, and time spent in the United States. It is much easier for human beings to learn languages prior to adolescence, and education generally increases exposure to English as well as cognitive skills. Period of arrival, of course, determines the length of direct exposure to an English language-based culture and society. Figure 1, based on 2010 ACS data for immigrants from non-English-speaking countries, shows how the share speaking English only or very well varies according to these three background factors. The bars to the left reveal that English proficiency is very high among those who arrived before the age of thirteen. Among those who arrived before this age, 81 percent speak English only or very well if they came to the United States before 1990 (yielding at least thirty years of exposure to American English),

78 percent do so if they came between 1990 and 2000 (at least twenty years of exposure), and 65 percent do so even if they arrived between 2000 and 2010 (ten or fewer years of exposure). Among those who arrived between the ages of 13 to 39, the respective levels of English proficiency plummet to 34 percent, 38 percent, and 44 percent, and among those who arrived at age 35 or later, the share falls to between 22 percent and 25 percent, with little variation by year of arrival. Thus, arrival before adolescence is critical to achieving English fluency.

The right-hand bars show the powerful effect of education on English proficiency, as those with less than a high school education are quite unlikely to speak English very well, especially if they arrived after 2000 (just 8 percent spoke English only or very well) or between 1990 and 2000 (only 12 percent); but the prospects of English proficiency do not rise much even for those who arrived prior to 1990 (just 21 percent spoke it well or only). In contrast, among high school graduates who arrived before 1990, 58 percent spoke English only or very well, though among those who arrived between 1990 and 2000, the percentage is lower at 38 percent, and lower still at 26 percent for those who arrived after 2000.

Very obviously, a college education greatly increases the likelihood of English proficiency. Even among those who arrived most recently (after 2000), 58 percent spoke English only or very well. The share rises to 67 percent among those who arrived between 1990 and 2000, and to 79 percent among those who came before 1990. Thus, the prospects for English fluency are very bright for those who are well educated, arrived before adolescence, and have lived in the United States for at least a decade. The data presented in Table 4 hint at the possibility that immigrants today may be following the path

Figure 1 English Proficiency of Immigrants by Age at Arrival, Education, and Decade of Arrival



Data for immigrants from non-English-speaking countries of birth. Source: American Community Survey, 2008 – 2010 merged files.

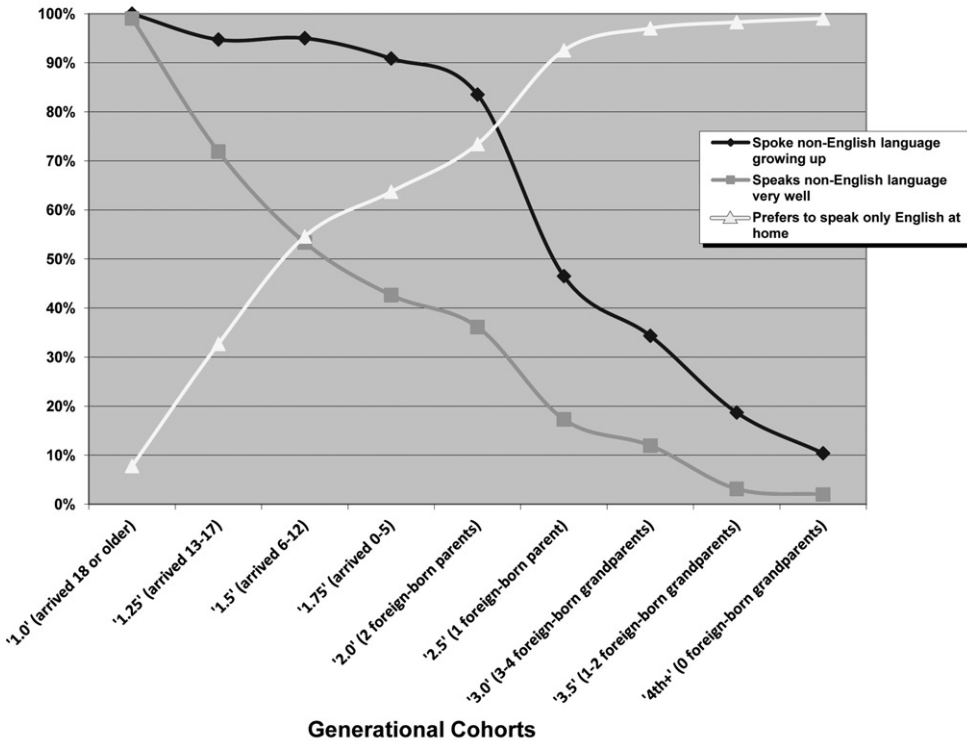
of their predecessors toward native language decline and English dominance, and eventually to the extinction of their mother tongues. As we noted, more than one-third of Puerto Ricans and nearly one-quarter of Mexicans spoke only English in 2010. Without more precise knowledge of the generational composition of the various populations, however, it is difficult to assess the likelihood of linguistic survival over time.

Figure 2 draws from a meta-analysis of two merged databases – the Children of Immigrants Longitudinal Study in San Diego, and the Immigration and Intergenerational Mobility in Metropolitan Los Angeles study – that estimated linguistic “survival curves” across detailed generational groups in Southern Califor-

nia, a region of sustained mass immigration and high densities of non-English speakers (especially Spanish speakers).⁹ Indeed, the 2010 ACS found that of the 21 million residents in the six counties of Southern California, half spoke English only and half reported speaking a non-English language at home. Generally, we define the first generation as immigrants born outside the United States; the second generation as those born in the United States of immigrant parents; the third generation as those born in the United States to native-born parents and one or more immigrant grandparents; and the fourth generation as natives with native-born parents and grandparents. The detailed data available from the above surveys enable us to break these broad

Figure 2
 Non-English Language Use, Proficiency, and Preference, by Generational Cohort

Rubén G.
 Rumbaut &
 Douglas S.
 Massey



Source: Children of Immigrants Longitudinal Study in San Diego and the Immigration and Intergenerational Mobility in Metropolitan Los Angeles merged files.

generational groups down into fractional cohorts corresponding to different levels of exposure to the English language environment of the United States, as well as to different degrees of separation from the mother tongue and from the experience of being socialized in immigrant families at key developmental ages.

Specifically, we divide the first generation into four distinct cohorts by age at arrival. Those who arrived as adults aged eighteen or older constitute the 1.0 generation; those who arrived as adolescents between the secondary-school ages of thirteen and seventeen are the 1.25 gener-

ation; those arriving between the primary-school ages of six and twelve are the 1.5 generation; and those arriving from infancy to age five are the 1.75 generation, closer in their developmental experience to second-generation peers. We also divide the second generation into two groups: those in the 2.0 generational cohort have two foreign-born parents, whereas those in the 2.5 generation have one foreign-born and one native-born parent. The third generation is similarly divided into a 3.0 cohort with three or four foreign-born grandparents, and a 3.5 cohort with just one or two immigrant

grandparents. Finally, those in the fourth generation are the furthest removed from the immigrant experience, with both native parents and no foreign-born grandparents.

Figure 2 summarizes the cross-generational story of non-English language use, proficiency, and preference. It clearly shows that as one proceeds upward through these fractional generations, the percentage speaking a non-English language while growing up drops, as does the percentage able to speak a non-English language well; but the percentage who prefer to speak only English at home rises rapidly. Speaking a non-English language while growing up persists at high levels through the 2.0 generation and then plummets with the addition of one native-born parent in the 2.5 generation. Exposure to a non-English language while growing up may remain high into the second generation; however, this does not translate automatically into either foreign language fluency, literacy, or use. Although 84 percent of the 2.0 generation spoke a non-English language while growing up, only 36 percent said they spoke it well at the time of the survey and 73 percent said they preferred to speak English at home. Moreover, although it is not shown in Figure 2, the 2.0 generation's levels of non-English language literacy (reading and writing ability) dropped even more rapidly than their ability to understand or speak that foreign language. The loss of non-English literacy, in turn, is typically a prelude to the loss of the mother tongue altogether.

Thus, proficiency and use of non-English languages barely survive into the second generation, even in places of immigrant concentration such as Los Angeles and San Diego. By the 2.5 generation, the percentage speaking a foreign language well drops to 17 percent, and the share preferring to speak English at home rises

to 93 percent. In the 3.0 generation, these percentages become 12 percent and 97 percent. By the fourth generation, the share speaking a foreign language well drops to 2 percent and the share preferring English at home is 99 percent. When Spanish speakers are considered separately from speakers of other non-English languages, the percentage speaking their mother tongue well is slower to fall, and the share preferring English at home is slower to rise in the second generation, but by the third and fourth generations, the curves end up at the same point as that of all other speakers of non-English languages.¹⁰

Our analysis provides no support for those arguing that mass immigration will produce a fragmented and balkanized linguistic geography in the United States. The revival of immigration has simply restored language diversity to something approaching the country's historical status quo, at least as measured by the variety of non-English languages and the number of non-English speakers. But in the absence of continued large-scale immigration, and even with its continuation at moderate levels, our data suggest that the mother tongues of today's immigrants will persist somewhat into the second generation, but then fade to a vestige in the third generation and expire by the fourth, just as happened to the mother tongues of the Southern and Eastern European immigrants who arrived between 1880 and 1930. Even the fact that a much larger fraction of immigrants today speak a single language, Spanish, does not seem to alter the ultimate trajectory of linguistic survival. Indeed, even in Southern California, the nation's premier immigrant megalopolis – where non-Hispanic whites are no longer the majority, and where the density of a variety of Asian languages and of Spanish speakers is

high – it appears that proficiency in and use of Spanish effectively dies out in the third generation, before disappearing into the nation’s language graveyard in the fourth generation. The loss of Asian language fluency and use takes place faster still.

Whether Spanish and other immigrant languages persist in being spoken within the United States depends mainly on future trends in immigration, on whether enough first-generation language speakers offset the rising tide of linguistic deaths in the 2.5 generation and above, and, if current trends were reversed, on whether fluent bilingualism might come to be valued rather than eschewed in the larger economy and society. With respect to Spanish speakers, immigration from Latin America continues, but the boom in Mexican immigration appears to be over, at least for the moment. Mexicans presently constitute around 62 percent of all undocumented residents of the United States, 55 percent of all Latin American immigrants in the country, and 29 percent of all immigrants taken together.¹¹ In a very real way, Mexico was the tail wagging the dog of Spanish language immigration to the United States in recent decades. No other country comes close to matching Mexico’s dominance.

Recent work by demographer Jeffrey Passel and his colleagues at the Pew Research Hispanic Center suggests that net migration from Mexico has likely fallen to zero and may even be negative.¹² Whether or not Mexican migration eventually resumes remains to be seen, but the era of mass undocumented migration that contributed so much to Latin American population growth in the United States is probably over. Labor demand in the United States remains weak, and what demand exists is now being met by legal temporary workers, as Congress has quietly opened the door to mass temporary

worker migration from Mexico to levels not seen since the heyday of the Bracero Program in the late 1950s, providing new opportunities for legal circulation across the border, rather than permanent U.S. settlement. Within Mexico, the economy is growing, labor force growth is decelerating, fertility is declining, education levels are rising, and wages are holding steady in the face of stagnating earnings in the United States, making the United States a far less attractive destination than it once was.

If mass immigration does not resume in the near future, we may witness the same process of mother tongue extinction among Mexicans as occurred among earlier generations of European migrants. Indeed, given the power of popular American culture and the dividends to be gained from English fluency, it turns out to be quite difficult to maintain stable bilingualism in the United States. Whether this is a good or a bad thing depends on one’s point of view. On the one hand, it assures the continuation of a common civic language in the United States. On the other hand, there is little evidence that fluency in multiple languages damages the integration and cohesiveness of U.S. society; on the contrary, in a very real way the progressive death of immigrant tongues represents a costly loss of valuable human, social, and cultural capital – for in a global economy, speaking multiple languages is a valuable skill. Certainly the economy of the Americas would function more fluidly and transparently if more people spoke at least two of the hemisphere’s three largest languages: English, Spanish, and Portuguese. A recent report by the Council of Europe makes the case that plurilingualism is an advantage in the globalized marketplace of the future.¹³ Perhaps it is better to consider immigrant languages as a multidimensional resource to be preserved and cultivated, rather than as a threat to national cohesion and identity.

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- 1 Marc Shell, "Babel in America; or, the Politics of Language Diversity in the United States," *Critical Inquiry* 20 (1993): 103–127.
- 2 See David J. Weber, *The Spanish Frontier in North America* (New Haven, Conn.: Yale University Press, 1992); Thomas Fleming, *The Louisiana Purchase* (Hoboken, N.J.: John Wiley & Sons, 2003); and Laura E. Gómez, *Manifest Destinies: The Making of the Mexican American Race* (New York: New York University Press, 2007).
- 3 Douglas S. Massey, "The New Immigration and the Meaning of Ethnicity in the United States," *Population and Development Review* 21 (1995): 631–652.
- 4 Campbell Gibson and Kay Jung, "Historical Census Statistics on the Foreign-Born Population of the United States: 1850–2000," Population Division Working Paper No. 81 (Washington, D.C.: U.S. Census Bureau, 2006).
- 5 Rubén G. Rumbaut, "A Language Graveyard? The Evolution of Language Competencies, Preferences and Use Among Young Adult Children of Immigrants," in *The Education of Language Minority Immigrants in the United States*, ed. Terrence G. Wiley, Jin Sook Lee, and Russell Rumberger (Bristol, U.K.: Multilingual Matters, 2009), 35–71.
- 6 James Crawford, "Seven Hypotheses on Language Loss: Causes and Cures," in *Stabilizing Indigenous Languages*, ed. Gina Cantoni (Flagstaff: Northern Arizona University, 2003), 45–60.
- 7 Calvin Veltman, *Language Shift in the United States* (New York: Walter De Gruyter, 1983). The sole exception noted by Veltman was Navajo, but in the two decades since, there has been a rapid erosion of Navajo and other Native American languages.
- 8 Julie A. Dowling, Christopher G. Ellison, and David L. Leal, "Who Doesn't Value English? Debunking Myths About Mexican Immigrants' Attitudes Toward the English Language," *Social Science Quarterly* 93 (2) (2012): 356–378.
- 9 Rubén G. Rumbaut, Douglas S. Massey, and Frank D. Bean, "Linguistic Life Expectancies: Immigrant Language Retention in Southern California," *Population and Development Review* 32 (2006): 447–460.
- 10 Ibid.
- 11 Yesenia D. Acosta and G. Patricia de la Cruz, *The Foreign Born From Latin America and the Caribbean: 2010* (Washington, D.C.: U.S. Census Bureau, 2011).
- 12 Jeffrey Passel, D'Vera Cohn, and Ana González-Barrera, *Net Migration from Mexico Falls to Zero – and Perhaps Less* (Washington, D.C.: Pew Research Hispanic Center, 2012).
- 13 Tove Skutnabb-Kangas, *Why Should Linguistic Diversity Be Maintained and Supported in Europe? Some Arguments* (Strasbourg, France: Council of Europe, 2002).

Schools & the Diversity Transition

Richard Alba

Abstract: In the next quarter century, North American and Western European societies will face a profound transformation of their working-age populations as a result of immigration, combined with the aging of native majorities. These changes will intensify the challenges of integrating the children of low-status immigrants. Abundant evidence reveals that most educational systems, including that in the United States, are failing to meet these challenges; and sociological theories underscore these systems' role in reproducing inequality. However, the history of assimilation in the United States shows that native-/immigrant-origin inequalities need not be enduring. An examination of variations across time and space suggests educational policy changes and innovations that can ameliorate inequalities.

A turning point in the history of the West is at hand. During the coming quarter-century, wealthy Western societies will undergo what could be called a “diversity transition” or a “third demographic transition.”¹ Thanks to ongoing and irreversible demographic changes, spurred in substantial part by immigration, these societies will have to rely increasingly on young people of non-native and minority backgrounds to sustain their economic, cultural, and social vitality. With an imperative to integrate these youth, schools will form the crucible where the future of North American and Western European societies is forged.

The impending transition will be intensified by a demographic conjunction that links both ends of the age spectrum. At the lower end, the majority-origins population, however defined, will continue to decline, while the numbers of those from immigrant and minority backgrounds will increase. At the upper end, an especially large population of majority workers will soon retire, a consequence of the baby booms that followed World War II in most Western nations.² The retiring baby boomers are, on average, a well-educated group, including the first cohorts to experience mass higher education.

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They are also well positioned in the labor market, occupying a disproportionate share of the most skilled and highest-paying jobs. The critical question is: who will replace them?

This question underscores a major challenge for wealthy Western societies: how to integrate the children (and, in some cases, grandchildren) of immigrants so that they can participate in the labor force and in mainstream institutions on a par with native majorities. In most Western countries, a large fraction of immigrant-origin children face substantial disadvantages in reaching educational parity with children from native families.³ Although immigration has proven to be bimodal in most places, with a substantial share of the foreign born bringing with them high human and social capital, many children of immigrants grow up in homes where their parents have low levels of education (by the standards of the receiving society), hold low-wage jobs (or are unemployed), and speak primarily in their mother tongue. Moreover, these immigrants and their children may be stigmatized for their national origin (especially when it represents a former colony), phenotypic appearance, or religion. The combination of a low socioeconomic starting point and a stigmatized ethnoracial origin leads me to describe these groups as *low status* (according to the perceptions of the majority population).

The challenge of integration must be met head-on in schools, though given their current resources and structures, it is doubtful that they are equal to the task. The challenge exacerbates a tension at the heart of the educational mission: on the one hand, schools are expected to provide young people with an education appropriate for their future adult lives, which leads to sorting of students, presumably by ability but, as we know, also by social origin; on the other hand,

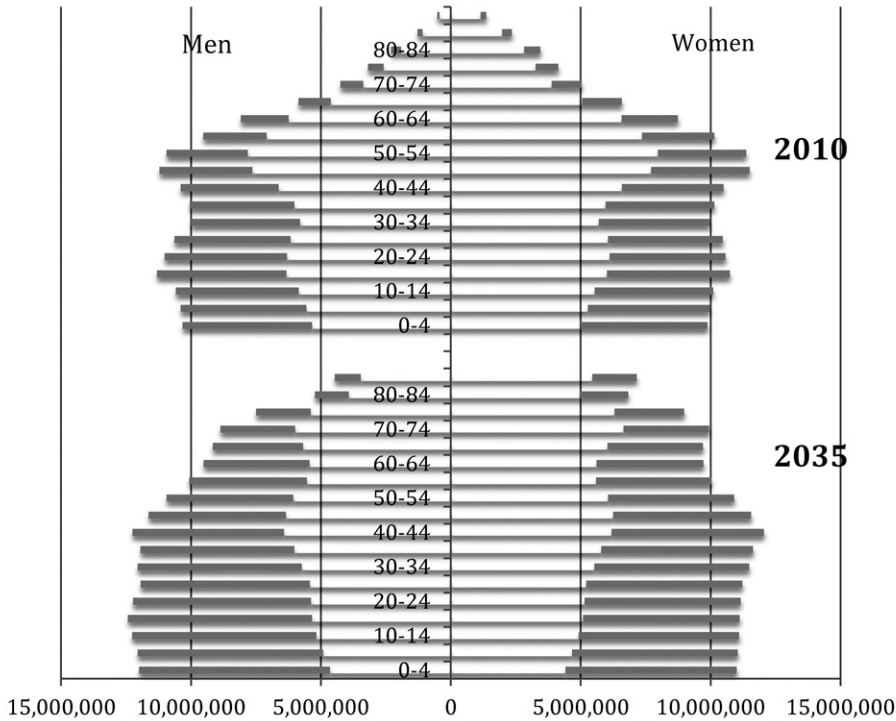
schools are charged with ensuring equal opportunity and the potential for social mobility for children coming from disadvantaged backgrounds. Most often, the first charge dominates because schools give primacy to the needs of children coming from the middle and higher classes of the native majority population.⁴ But all is not lost. We can see from the history of assimilation in the United States that massive educational catch-up by children from disadvantaged groups is possible. Through examination of educational systems across time, between past and present, and across space, in variations among countries, this essay begins to identify the innovations and policies that could ameliorate inequalities between students from immigrant homes and their peers from mainstream backgrounds.

Figure 1 shows how the demographic transition is likely to proceed in the United States, according to the Census Bureau's 2012 population projections. The European-ancestry group (non-Hispanic whites) – the majority population from which most high-skilled workers and civic leaders have historically been recruited – is in decline. This group is largest in the baby-boom cohorts (ages 45 to 64 in 2010), and is substantially smaller in younger age groups. For instance, the number of European-ancestry whites from ages 0 to 19 is 23 percent less than in the baby-boom group. The Census Bureau projections for 2035 show that the shrinkage of the white majority population will continue well into the twenty-first century.

A little more than two decades from now, the number of whites aged 16 to 64 is expected to be about 110 million, down from 130 million today; and the working-age population of minority origins will be almost the same size. While the projection of the adult minority population relies on assumptions, chiefly about im-

Figure 1
 U.S. Population in 2010, and Projected U.S. Population in 2035, by Age and Gender

Richard
 Alba



Non-Hispanic whites are represented by the blank portions of the bars, and minorities are represented by the shaded portions. Source: The 2010 data come from the decennial census; the 2035 projections are derived from the Census Bureau’s 2012 population projections.

migration, that could turn out to be wrong, the projection of the adult white population does not. Whites could still potentially gain in number from an assimilatory shift across the minority/majority divide,⁵ but any such shift is quite unlikely to attain a magnitude great enough to significantly alter the projected decline. In short, the white “majority” will continue to shrink, both in absolute numbers and relative to the minority population, as the overall population grows.

Immigration plays a major role in driving these changes, as evidenced by the con-

temporary child (under eighteen) population. As of the end of the first decade of the twenty-first century, non-Hispanic whites constituted a bare majority, at 56 percent of America’s children, with Hispanics, non-Hispanic blacks, and Asians making up 22, 14, and 4 percent, respectively. The remainder belongs to other ethnoracial categories, including individuals of mixed race. Children growing up in immigrant homes make up a large part of the Hispanic and Asian groups, which are also the fastest growing segments of the U.S. population. Over 60 percent of

all Latino children are children of immigrants; among Asians, that number rises to almost 90 percent.

Some Latino groups correspond closely to the concept of a low-status immigrant-origin population. Immigrants from a number of Latin American countries, including Mexico and much of Central America, arrive with low levels of formal education (according to U.S. norms) and take low-wage jobs.⁶ A sizable proportion lack legal status, and even legal immigrants and their children are exposed to increasingly virulent nativism and oppressive police measures in some states and localities.⁷ For these and other reasons, the educational barriers faced by Latinos appear to linger into the third generation and beyond.⁸

In one demographic respect, the United States has an advantage over many comparable European countries: namely, the United States will not have a shortage of young people in the near future. By contrast, the Netherlands, like many Western European countries, will experience a shrinkage of its young-adult population. This future can be inferred from the population pyramid in Figure 2, which also shows that the baby boom lasted well into the 1970s in the Netherlands, longer than in the United States. As of 2010, therefore, the youngest Dutch baby boomers are only in their late thirties, and some will remain in the labor market for another three decades. However, the child population in Holland is substantially smaller than a comparable age band of adults, and is also more diverse, with the children of immigrants nearly one-quarter of the total. The majority of these children have parents who came from outside Europe, including former Dutch colonies (for example, Suriname), Morocco, or Turkey. Generally, these are socioeconomically disadvantaged groups within Dutch society.

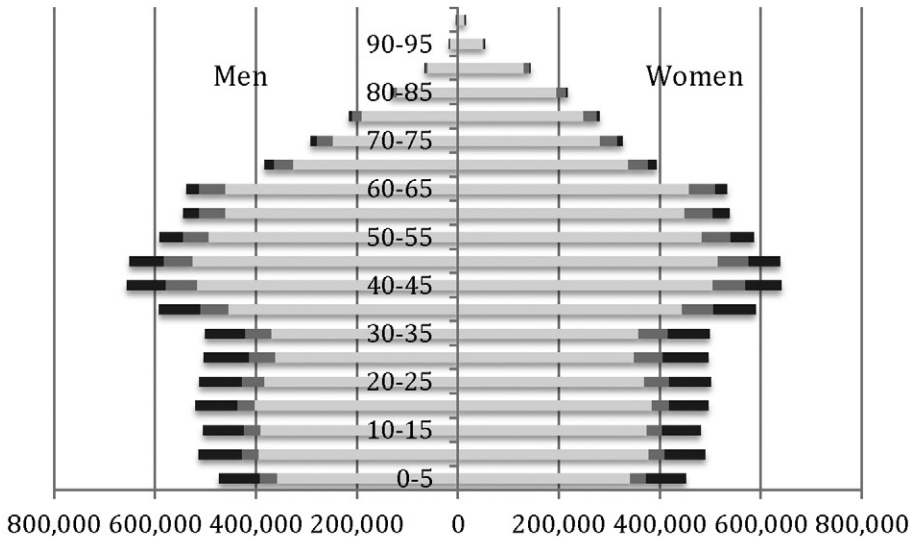
In virtually all wealthy Western countries that have accepted large numbers of immigrants since the mid-twentieth century, a substantial body of evidence demonstrates that major portions of the second and, in some cases, third generation lag behind mainstream norms of educational attainment. This finding suggests that, on average, the descendants of immigrants will not be equipped to fill many of the vacancies left in the labor market and in civic leadership by the retiring baby boomers.⁹ This is not to deny the bimodal nature of the educational distribution of the children of immigrants. Migration streams have introduced some immigrant professionals and other high-skilled workers, whose children generally do well in Western educational systems, often outperforming the children of the native majority.¹⁰

We can observe the educational disadvantages of children of immigrants in terms of either school-taught skills, such as literacy in the mainstream language and mathematical proficiency, or educational credentials. The two, though correlated, are not isomorphic, and their significance for adult status is somewhat different. While educational credentials determine which tier of the labor market individuals can enter, school-taught skills are a plausible predictor of workplace performance, especially in jobs that require more than a secondary-school credential, and thus they also indicate potential for advancement.

The Organisation for Economic Co-operation and Development (OECD) conducts the Programme for International Student Assessment (PISA) surveys to test the literacy and mathematics skills (as well as scientific knowledge) of 15-year-olds from more than seventy countries. By surveying students nearing the end of the period of mandatory schooling, the PISA study helps us understand the dis-

Figure 2
Population Pyramid for the Netherlands, 2010

Richard
Alba



Lightest portion is native Dutch; intermediate shade is first- and second-generation immigrants of Western origins; darkest shade is first- and second-generation immigrants of non-Western origins. Source: Statistics Netherlands.

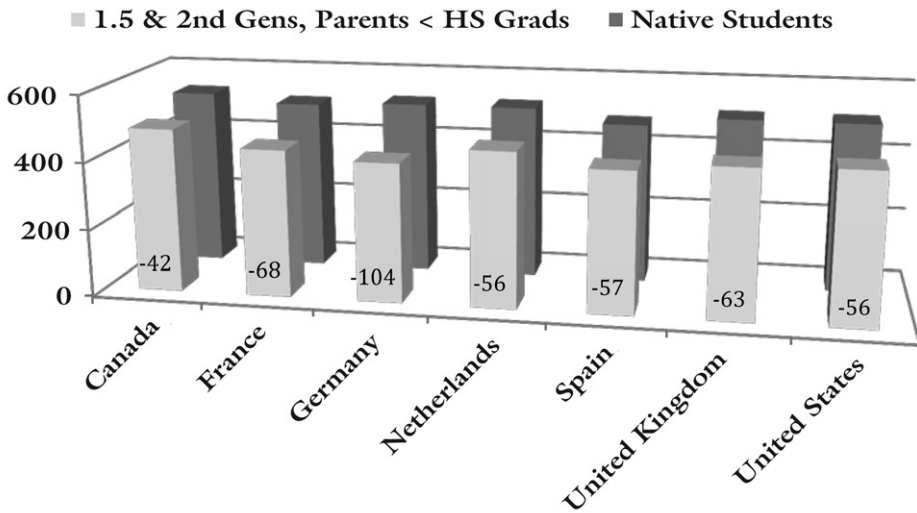
advantages of students from immigrant families. Analysis of the overall native-/immigrant-origin differences in mainstream language literacy and mathematics skills reveals that, on average, these gaps are about forty points on the PISA scales.¹¹ The OECD estimates that sixty to seventy points amount to a “proficiency level,” of which there are five on the literacy scale and six on the mathematics scale. By this measure, the average forty-point gap is sizable.

These averages are a lower bound of the disadvantages of children of low-status immigrants because they do not account for the bimodal nature of immigration – that is, the presence of children from professional and high-skilled immigrants. If we remove these children from the com-

parison, the gaps grow in magnitude. The PISA study does not collect consistent data on the national origin of immigrant families, but we can approximate this comparison by limiting the 1.5- and second-generation group to those whose parents have not earned an upper-secondary credential, such as the U.S. high school diploma. Admittedly, this restricts the immigrant-origin group to its most disadvantaged portion (in the United States, about 30 percent of children from immigrant homes would be included), so the results should be viewed as an upper bound on the skills gap.

Using this method, Figure 3 shows that for most of the major receiving countries of the North Atlantic, the gap is now on the order of sixty points in literacy (and

Figure 3
Average Reading Scores for Native Students and 1.5- and Second-Generation Students Whose Parents Do Not Have a High School Diploma



Differences between the two groups are indicated on the front bars. Source: Programme for International Student Assessment, Organisation for Economic Co-operation and Development, 2006 and 2009.

larger, in some cases, in mathematics). In Germany, it is one hundred points; in Canada, about forty. In the case of Germany, a highly stratified school system is implicated; in the case of Canada, a selective immigration system reduces the potential for academic-skills inequality. Overall, we can see that in a number of major receiving countries, including the United States, the literacy gap between the children from native families and children from disadvantaged immigrant families varies between fifty and seventy points on the PISA scale.

The credentials gap is, if anything, larger. In the United States, lagging educational attainment characterizes the second and later generations of Latinos, the largest minority group among America's children.¹² For instance, 2005–2009 American Community Survey data on individuals aged 26 to 35, a group whose educational record

is largely complete but also reflects recent life chances in schools, demonstrate that U.S.-born Latinos are much more likely than their non-Latino white counterparts to have left high school without a diploma. This is especially true for the young men of the group, who are also much less likely to have earned postsecondary education credentials (see Table 1). Young-adult whites have earned baccalaureate degrees at roughly twice the frequency of Latinos. Because comparable gaps in postsecondary education also separate black from white Americans, these data indicate problems for two groups that now make up more than one-third of U.S. children.

In most other Western countries, the credentials gap for children from disadvantaged immigrant families is also large, though not always as large as in the United States, as my colleagues and I have found

Table 1

Educational Attainment of 26- to 35-year-old, U.S.-born Whites and Latinos, by Gender

Richard
Alba

	Whites %	Latinos %
MEN		
No high school diploma	8.0	19.1
High school diploma	28.2	33.7
Some college, no degree	23.0	24.6
Associate's degree	8.4	7.5
Bachelor's degree	24.2	11.6
Post-bachelor's degree	8.3	3.5
WOMEN		
No high school diploma	5.8	14.7
High school diploma	21.1	27.7
Some college, no degree	23.0	27.5
Associate's degree	10.3	9.2
Bachelor's degree	27.7	15.3
Post-bachelor's degree	12.1	5.6

Source: 2005–2009 American Community Survey.

in the Children of Immigrants in Schools study.¹³ In the Netherlands, for example, gaps between native Dutch children and the children of Moroccan immigrants are large at both ends of the educational distribution.¹⁴ In France, the failure of the children of North African immigrants to complete secondary school is at least as common as it is for Latinos in the United States, but the gap at the upper end, in postsecondary credentials, is smaller.¹⁵ In Great Britain, however, the youngest cohorts of the children of Bangladeshi and Pakistani immigrants have caught up to their white British peers in terms of university credentials, though they are concentrated in lower-status universities.¹⁶ Nevertheless, this parity is remarkable and remains to be fully explained.¹⁷

Despite these variations and the British exception, the disadvantage of young people who have grown up in low-status immigrant families is generally consistent and sizable. Remarkably, this disadvantage appears in educational systems that

differ fundamentally from one another. Whether we consider such features as the degree of internal stratification, the inequality among schools, or the division of educational labor among schools, families, and communities, we observe marked variations among the school systems of the receiving societies.¹⁸

For instance, in some Northern European school systems, such as in the Netherlands and Germany, the students are steered into separate tracks (often in different school buildings) at early ages; tracking begins after the fourth year of primary school in most German states. Such early tracking places students from immigrant backgrounds at an extreme disadvantage. Because they begin school behind students from native families, they typically require more time for their academic abilities to manifest themselves. In the French and American educational systems, which also track students (though in less rigid ways), students are educated for much longer periods in comprehensive

contexts, giving immigrant-origin youngsters more opportunity to shift tracks.

There is also considerable variation in the degree of inequality among schools. The U.S. system stands at one extreme, where school funding depends heavily on locally and state-raised taxes, and spending per pupil can vary from one district to another by as much as a two-to-one margin.¹⁹ Consequently, there are substantial inequalities among schools in physical facilities, teaching resources, and teacher qualifications – inequalities that correlate with the social origins of students.²⁰ By contrast, in France, the national Ministry of Education controls the bulk of school budgets, including, critically, the budgets for teachers. There is even modest supplementary funding for schools that serve large numbers of socially disadvantaged students, provided by the Priority Education Zones (ZEP) program. There are still inequalities among French schools, but they are less pronounced than in the United States. Nevertheless, apart from the large skills inequality evident in Germany, the variations in the native-/immigrant-origin educational gaps do not seem to align closely with the differences in educational structures. What then is going on?

The gaps separating young people of low-status immigrant origins from the majority population are unsurprising in light of the role of educational systems in transmitting inequalities from one generation to the next. The gaps are, moreover, predicted by theories of inequality now prevalent in the sociology of education, including the theories of “maximally” and “effectively” “maintained inequality.” These theories assert that educational systems function in ways that preserve, on average, the cumulative advantages of middle- and upper-middle-class majority-group students.²¹ Such theories do allow for individual mobility by students of dis-

advantaged origins, so long as this movement is not so widespread that it threatens the aggregate advantages of privileged students.

According to these theories, even when public policy alters educational systems to enhance opportunities for students from humble origins, the imbalance of educational opportunity is quick to reassert itself. The processes that, like a social gyroscope, preserve inequality according to family origins are not entirely clear. However, we can observe that in democratic societies, native middle-class parents are better equipped than working-class or immigrant parents to enlist the collaboration of school administrators and teachers to influence their children’s educations. They are also in a better position to move their children between school districts, or to opt out of or supplement public provision through full- or part-time private education. Typically, their privileged position is maintained by the “normal” workings of the educational system. The influence of these parents, therefore, remains largely invisible, manifesting itself only at moments when they intervene to ensure that their children retain advantages in spite of efforts to level the playing field.

The thesis of maximally maintained inequality argues that expansion of the higher tiers of an educational system, which is intended to create room for students from disadvantaged backgrounds to move upward, also allows some students from privileged families to improve their educational outcomes – hence, on net there tends to be little change in the differentials separating students of different origins.²² In complementary fashion, effectively maintained inequality claims that as quantitative differences in students’ educational outcomes (for example, the number of years of education attained) level off, the qualitative differences be-

come more consequential.²³ Qualitative disparities that maintain inequality in the aggregate, even as opportunity ostensibly expands, include secondary school tracks, along with the status tiers among universities in Great Britain and the United States.

These theories arose as an effort to explain the persistence of social class-based inequalities in education. But the theories may also be applied to native-/immigrant-origin inequalities, which are similarly widespread and resilient. Admittedly, the theories might seem to foreclose any further consideration of ameliorating inequalities. If educational systems by their very nature work to maintain the advantages of privileged groups, then native-/immigrant-origin inequalities may be unyielding, and it may be impossible to conceive of educational policies that make much of a dent in them. But a study of assimilation history in the United States suggests otherwise.

The historical cases of educational catch-up by disadvantaged groups indicate that, under favorable circumstances, maximally and effectively maintained inequality yield to other forces. For example, consider the mass assimilation of the children and grandchildren of Southern and Eastern European immigrants from 1945 to 1970.²⁴ During the first half of the century, these groups were denigrated and excluded by native, middle-class white Americans, who sought in various ways to maintain their advantages. Two of these groups, Italians and Jews, stand out for the lessons their experiences yield about educational change. The children of immigrants from Southern Italy lagged far behind native white norms of education, while Jews, far more educationally mobile, experienced discrimination in admission to elite colleges and social exclusion when they did gain entry. Quantitative gaps from main-

stream norms characterized one group, qualitative differences the other.

The Italian case bears some resemblance to the situation of low-status immigrant groups today. Italian immigrants came from the economically backward regions of the Mezzogiorno, the Italian South, and brought with them few skills of value in an industrial economy, apart from construction trades. The school system of the Mezzogiorno was very limited in 1900, and many of the immigrants were illiterate.²⁵ These were among the first transnational immigrants, some of them migrating back and forth between Italy and the United States on a seasonal basis. A large proportion hoped to return permanently to their hometowns, and many eventually did.²⁶

Consistent with ideals held by the immigrants at the time, children were kept close to the family; and in many families, children were expected to make an economic contribution as early as possible. These expectations created a series of clashes with American schools.²⁷ Consequently, Italian children had high rates of truancy and frequently left school as early as the law allowed. Even as late as 1930, only 11 percent of Italian Americans who entered New York City high schools earned diplomas, at a time when over 40 percent of all the city's high school students graduated.²⁸ The obvious consequence was low educational attainment for second-generation Italians and the channeling of this group toward jobs in which educational credentials were unimportant. This is the situation in which sociologists Nathan Glazer and Daniel Patrick Moynihan found this population at mid-century.²⁹

Yet during the quarter-century following the end of World War II, the Italians' educational attainment accelerated, and they caught up to native white Americans in the key areas of college attendance and

graduation. An analysis of educational attainment by generation and birth cohort suggests that the critical shifts occurred across cohorts, and thus reflect the historical evolution of the group's life chances.³⁰ For the second-generation Italian children born during the period of mass immigration, the gap separating their educational attainment from that of mainstream white Americans, typified by British ancestry, was very large: two-to-one in terms of college attendance, and even wider in terms of college graduation. The gap narrowed substantially for the cohort born during the late 1930s, a group whose education took place mainly after World War II. For those born after 1950, the gap vanished permanently.

The Jewish case was different, but also instructive with regard to contemporary theories of educational inequality. In contrast with the Italians, Eastern European Jews represented an immigrant population unusually well supplied with skills valued by the industrial economies of Northern U.S. cities.³¹ Jews by and large did not intend to return to Europe, and they quickly established themselves in the United States by learning English and acquiring citizenship. Their children found rapid success in the public school system and soon applied for admission to colleges, including top-tier universities.

Elite native white Protestants in the United States responded by reinforcing the boundaries separating them from Jewish newcomers. Quotas were imposed on the admission of Jews to elite colleges during the 1920s, and they lasted, in disguised forms, until the late 1950s.³² Jews still attended college, but they were confined largely to less prestigious campuses, such as the public colleges of the New York City system. By imposing a qualitative restriction on the educational careers of academically talented Jews, Protestants attempted to achieve monop-

olistic closure: the exclusion of outsiders from, or at least the restriction of their entry to, arenas where privileges are forged and bestowed.

But this system of exclusion collapsed in the postwar period. For example, at Princeton, "long a bastion of anti-Semitism" according to sociologist Jerome Karabel, the enrollment of Jews reached 6 to 7 percent in the late 1940s, double the proportion of a decade earlier, and continued to climb to about 14 percent by the late 1950s.³³ Jews also joined the faculties of elite schools, including the Ivies.³⁴ These educational changes were tied to other societal changes that occurred in the postwar period, such as greater residential integration, especially in suburbs, and eventually intermarriage across ethnic and religious lines.

Together, these changes diminished the once bright boundaries that separated Jews and Catholics from what had been a white Protestant mainstream. How did such profound changes take place in so short a span of time? Why did these ethnic groups become acceptable to white Protestants, who during the first half of the century feared growing Catholic political power, as well as the social and economic challenges posed by rapid Jewish mobility? An answer to these questions must also explain why white Protestants became willing to share their once-exclusive advantages with these immigrant newcomers and their descendants.

The postwar changes took place during a period of what could be called "non-zero-sum mobility"—an extraordinary period of prosperity that opened the sluices of mobility for working-class, ethnic whites without washing away the perches of advantaged white Protestants. The social ascent of previously disadvantaged ethno-religious groups, then, required little sacrifice by their privileged predecessors. The magnitude of this non-zero-sum

mobility is indicated by the changes in the postsecondary portion of the educational system.

State and municipal colleges and universities expanded rapidly in the quarter-century following the war. During this period, college education became a mass phenomenon, as the number of students in institutions of postsecondary education quintupled between 1940 and 1970. Because of the educational non-zero-sum mobility generated by this expansion, groups like the Southern Italians were able to catch up to mainstream educational norms in only a few decades. By 1970, the groups of young adults emerging from the educational system contained ample representation of the white ethnic groups that had lagged behind through the middle of the century.³⁵

The coming demographic changes, and in particular the shrinkage of the privileged youth population, such as children from middle-class non-Hispanic white families in the United States, suggest emergent conditions for a new period of non-zero-sum mobility, though not on the scale of the postwar period. Nevertheless, there will be opportunities in the coming quarter-century for the children of disadvantaged groups to move up without appearing to threaten the position of children of advantaged ones. Although middle-class native families play influential roles in maintaining educational systems, the demographic changes suggest that their grip could relax, and openings that favor more opportunity for immigrant-origin students might become possible.

Thus, the coming changes may create a situation in which the reproduction of educational inequality described by the theories of maximally and effectively maintained inequality will not be as ironclad as it now seems. For children coming from disadvantaged immigrant back-

grounds to take advantage of any new openings, however, policy changes and innovations in educational systems must occur. To reflect on the nature of these modifications for the American system – the focus for the rest of the essay – we can look either across time, searching for relevant differences between the postwar educational system and the current one, or across space, looking for features of systems in other countries that might ameliorate American inequalities.

Undoubtedly, there are many differences between the big-city schools of the postwar period, where the children of Italian and Jewish immigrants were educated, and the urban and suburban schools attended by the children of today's immigrants. But two of these differences seem especially relevant at first glance: the first relates to "quality," including the academic skills and proficiencies of teachers; the second concerns public investment in educational opportunity.

There is compelling evidence that the quality of teachers matters – that students learn more when their teachers have better credentials, more teaching experience, and higher levels of verbal skills according to standardized test scores.³⁶ And a substantial body of research shows that, at least in terms of academic skills, the average quality of teaching has declined during the last half-century – despite the evident abilities of many in the profession – as occupational opportunities for women have expanded and the prestige and working conditions of teaching have declined.³⁷ However, the turnaround of educational achievement in Finland, which has benefited from upgrading the professional status of teachers and consequently recruiting more selectively into the occupation, demonstrates that gender equality and high teacher quality are compatible.³⁸

Another distinguishing feature of the postwar period was the growing invest-

ment in education, especially in the post-secondary sector. The investment began with the GI Bill of 1944, which spurred higher levels of attendance at colleges and universities. The increased participation in higher education was sustained in the postwar decades by the enormous expansion of the postsecondary educational sector, most of which was publicly funded.

Compared to the other receiving societies of the contemporary Western world, one prominent feature of American society appears to undergird educational inequality: high levels of residential segregation by ethnicity/race and by income level.³⁹ Because students usually attend schools in their vicinity, residential segregation leads to high levels of school segregation. American schools, as noted earlier, are very unequal, with a strong correlation between their social composition and their overall quality, as reflected in physical facilities, resources, and teacher preparation. Residential segregation enables this correlation.

The selectivity of teacher recruitment and the residential segregation of ethnoracial groups are the consequences of complex processes that are not easy to change. If these were the only available levers of change in the United States, then any hope of meeting the challenges of integration in the coming quarter-century would seem remote. Fortunately, there are other avenues to ameliorate educational inequality. Consider the division of educational labor among schools, families, and communities, a factor that influences the correlation between social origins and educational outcomes. Education is never conducted solely in schools; from the very first day of class, students enter the classroom with predeveloped differences in school-relevant skills, some as simple as the ability to sit still. These differences are brought from homes

and communities, outside agents that continue to play a crucial role throughout a child's school career.

This division of responsibility is an important source of the disadvantages that children of immigrants face in educational systems. Immigrant families lack familiarity with the host society and its institutions, and if parents themselves have limited education, the combination is potent. Immigrant parents may not understand the ramifications of the decisions that must be made by them and their children (for example, choices regarding urban high school selection in the United States⁴⁰); they cannot help their children with their homework; and they cannot provide their children with the linguistic and cultural foundations for school success. To the degree that the burden of educational labor falls on them and communities of people like them, their children are likely to be handicapped.

Indices of the division of educational labor include the age at which children first enter school or school-like settings and the annual amount of time they spend there. In neither of these respects is the United States well positioned to counteract the powerful inequalities among families and communities. In France, for instance, participation in the *maternelle* system is more or less universal among children by the age of three. In the United States, by contrast, the use of early childhood educational programs is lower in general and lowest of all for the children from some major Latino groups, including Mexicans.⁴¹ Further, young Americans spend fewer hours in school in an average year than do most of their Western European counterparts; and during the unusually long summer vacations in the United States, the children from disadvantaged backgrounds lose ground compared to their more advantaged classmates.⁴²

Community institutions can sometimes compensate for the lack of educational resources in families, but here, too, the low-status immigrant communities in the United States experience disadvantages. As sociologist Min Zhou has shown, Asian immigrant communities have developed supplementary educational institutions that share benefits across class lines, but Mexican and Central American communities lack equivalent facilities.⁴³ In the United States, such institutions depend chiefly on community resources. In the Netherlands, by contrast, municipal governments subsidize programs credited with narrowing the skills gap between immigrant- and native-origin students, thereby distributing organized resources more equitably.⁴⁴

This brief survey of cross-national variations in the division of educational labor suggests some points of leverage for ameliorating the disadvantages faced by students growing up in low-status immi-

grant homes – by increasing the role of schools, on the one hand, and augmenting the educational resources of communities, on the other. More generally, it is unrealistic to expect a wholesale reorganization of educational systems to facilitate the successful integration of immigrant-origin children. But more modest policies also promise significant improvement. In this respect, all of the different educational systems can learn from each other to better adapt to the coming period of demographic change. Each system has features that disadvantage students of low-status immigrant families, but each also has some features that can benefit these groups. Students from low-status immigrant families will be as critical to the labor forces of the advanced economies as those with mainstream backgrounds. The United States, like other Western countries, must profit from experiences elsewhere to meet the looming challenges of integration.

ENDNOTES

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- ¹ Richard Alba, Jennifer Sloan, and Jessica Sperling, "The Integration Imperative: The Children of Low-Status Immigrants in the Schools of Wealthy Societies," *Annual Review of Sociology* 37 (2011): 395 – 416; and David Coleman, "Immigration and Ethnic Change in Low-Fertility Countries: A Third Demographic Transition," *Population and Development Review* 32 (2006): 401 – 446.
- ² Richard Alba, *Blurring the Color Line: The New Chance for a More Integrated America* (Cambridge, Mass.: Harvard University Press, 2009); and Dowell Myers, *Immigrants and Boomers: Forging a New Social Contract for the Future of America* (New York: Russell Sage Foundation, 2007).
- ³ Richard Alba and Jennifer Holdaway, eds., *The Children of Immigrants at School: A Comparative Look at Integration in the United States and Western Europe* (New York: New York University Press, 2013); and Anthony Heath, Catherine Rethon, and Elina Kilpi, "The Second Genera-

- tion in Western Europe: Education, Unemployment and Occupational Attainment,” *Annual Review of Sociology* 34 (2008): 211–235.
- 4 Adrian Raftery and Michael Hout, “Maximally Maintained Inequality: Expansion, Reform, and Opportunity in Irish Education, 1921–75,” *Sociology of Education* 66 (1993): 41–62; and Samuel Lucas, “Effectively Maintained Inequality: Education Transitions, Track Mobility, and Social Background Effects,” *American Journal of Sociology* 106 (2001): 1642–1690.
 - 5 Jennifer Lee and Frank D. Bean, *The Diversity Paradox: Immigration and the Color Line in 21st Century America* (New York: Russell Sage Foundation, 2010).
 - 6 Roger Waldinger and Michael Lichter, *How the Other Half Works: Immigration and the Social Organization of Labor* (Berkeley: University of California Press, 2003).
 - 7 Douglas S. Massey and Magaly Sánchez R., *Brokered Boundaries: Creating Immigrant Identity in Anti-Immigrant Times* (New York: Russell Sage Foundation, 2010).
 - 8 Edward Telles and Vilma Ortiz, *Generations of Exclusion: Mexican Americans, Assimilation, and Race* (New York: Russell Sage Foundation, 2008).
 - 9 Alba and Holdaway, eds., *The Children of Immigrants at School*.
 - 10 Philip Kasinitz, John H. Mollenkopf, Mary C. Waters, and Jennifer Holdaway, *Inheriting the City: The Children of Immigrants Come of Age* (Cambridge, Mass., and New York: Harvard University Press and Russell Sage Foundation, 2008).
 - 11 Organisation for Economic Co-operation and Development, *Where Immigrant Students Succeed – A Comparative Review of Performance and Engagement in PISA 2003* (Paris: Organisation for Economic Co-operation and Development, 2006).
 - 12 Telles and Ortiz, *Generations of Exclusion*.
 - 13 Alba and Holdaway, eds., *The Children of Immigrants at School*.
 - 14 Maurice Crul, Jennifer Holdaway, Helga de Valk, Norma Fuentes, and Mayida Zaal, “Educating the Children of Immigrants in Old and New Amsterdam,” in *ibid*.
 - 15 Richard Alba, Roxane Silberman, Dalia Abdelhady, Yaël Brinbaum, and Amy Lutz, “How Similar Educational Inequalities are Constructed in Two Different Systems, France and the U.S., and Why They Lead to Disparate Labor-Market Outcomes,” in *ibid*.
 - 16 Mary Waters, Anthony Heath, Van Tran, and Vikki Boliver, “Second-Generation Attainment and Inequality: Primary and Secondary Effects on Educational Outcomes in Britain and the United States,” in *ibid*.
 - 17 See Tariq Modood, “Capitals, Ethnic Identity, and Educational Qualifications,” in *The Next Generation: Immigrant Youth in a Comparative Perspective*, ed. Richard Alba and Mary Waters (New York: New York University Press, 2011).
 - 18 Alba and Holdaway, eds., *The Children of Immigrants at School*.
 - 19 Jennifer Hochschild and Nathan Scovronick, *The American Dream and the Public Schools* (New York: Oxford University Press, 2003).
 - 20 Meredith Phillips and Tiffani Chin, “School Inequality: What Do We Know?” in *Social Inequality*, ed. Kathryn Neckerman (New York: Russell Sage Foundation, 2004).
 - 21 Sigal Alon, “The Evolution of Class Inequality in Higher Education: Competition, Exclusion, and Adaptation,” *American Sociological Review* 74 (2009): 731–755; Lucas, “Effectively Maintained Inequality”; and Raftery and Hout, “Maximally Maintained Inequality.”
 - 22 Raftery and Hout, “Maximally Maintained Inequality.”
 - 23 Lucas, “Effectively Maintained Inequality.”
 - 24 Alba, *Blurring the Color Line*.
 - 25 Stephen Steinberg, *The Academic Melting Pot* (New York: McGraw-Hill, 1974).

- ²⁶ Nancy Foner, *From Ellis Island to JFK: New York's Two Great Waves of Immigration* (New Haven, Conn.: Yale University Press, 2000). Richard Alba
- ²⁷ Leonard Covello, *The Social Background of the Italo-American School Child* (Totowa, N.J.: Rowman & Littlefield, 1972).
- ²⁸ Ibid.
- ²⁹ Nathan Glazer and Daniel Patrick Moynihan, *Beyond the Melting Pot: The Negroes, Puerto Ricans, Jews, Italians, and Irish of New York City* (Cambridge, Mass.: MIT Press, 1963).
- ³⁰ Richard Alba, "The Twilight of Ethnicity among Americans of European Ancestry: The Case of Italians," *Ethnic and Racial Studies* 8 (1985): 134 – 158, Table 1.
- ³¹ Steinberg, *The Academic Melting Pot*.
- ³² Jerome Karabel, *The Chosen: The Hidden History of Admission and Exclusion at Harvard, Yale and Princeton* (New York: Houghton Mifflin, 2006).
- ³³ Ibid.
- ³⁴ Steinberg, *The Academic Melting Pot*; Morton Keller and Phyllis Keller, *Making Harvard Modern: The Rise of America's University* (New York: Oxford University Press, 2007).
- ³⁵ Alba, *Blurring the Color Line*.
- ³⁶ Jennifer Rice, *Teacher Quality: Understanding the Effectiveness of Teacher Attributes* (Washington, D.C.: Economic Policy Institute, 2003).
- ³⁷ For example, Sean Corcoran, William Evans, and Robert Schwab, "Women, the Labor Market, and the Declining Quality of Teachers," *Journal of Policy Analysis and Management* 23 (2004): 449 – 470.
- ³⁸ Pasi Sahlberg, *Finnish Lessons: What Can the World Learn from Educational Change in Finland?* (New York: Teachers College Press, 2011).
- ³⁹ Douglas S. Massey and Nancy A. Denton, *American Apartheid: Segregation and the Making of the Underclass* (Cambridge, Mass.: Harvard University Press, 1993). See also Ceri Peach, "Does Britain Have Ghettos?" *Transactions of the Institute of British Geographers* 22 (1996): 216 – 235; and Sean Reardon and Kendra Bischoff, "Income Inequality and Income Segregation," *American Journal of Sociology* 116 (2011): 1092 – 1153.
- ⁴⁰ Kasinitz et al., *Inheriting the City*.
- ⁴¹ Donald Hernandez, Nancy Denton, and Suzanne Macartney, "Early Childhood Education Programs: Accounting for Low Enrollment in Immigrant and Minority Families," in *The Next Generation*, ed. Alba and Waters; and Hirokazu Yoshikawa, *Immigrants Raising Citizens: Undocumented Parents and Their Young Children* (New York: Russell Sage Foundation, 2011).
- ⁴² Douglas Downey, Paul von Hippel, and Beckett Broh, "Are Schools the Great Equalizer? Cognitive Inequality during the Summer Months and the School Year," *American Sociological Review* 69 (2004): 613 – 635.
- ⁴³ Min Zhou, "How Neighborhoods Matter for Immigrant Children: The Formation of Educational Resources in Chinatown, Koreatown, and Pico Union, Los Angeles," *Journal of Ethnic and Migration Studies* 35 (2009): 1153 – 1179.
- ⁴⁴ Crul et al., "Educating the Children of Immigrants in Old and New Amsterdam."

Modernization for Emigration: Determinants & Consequences of the Brain Drain

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Abstract: This essay reviews existing theories of professional emigration as background to examine the present situation. Classical theories of the brain drain neglected the possibility that immigrant professionals would return to their home countries and make significant investments and economic contributions there. They do, in fact, with beneficial consequences for the development of these countries. The advent of the transnational perspective in the field of immigration has helped clarify these dynamics, while identifying the conditions under which professional cyclical returns and knowledge transfers can take place. Implications for the future attraction of foreign professionals by the United States and other advanced countries are discussed.

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The migration of professionals and technicians from poorer countries to the developed world has received considerable attention from governments, industry, and academia, less because of the number of immigrants involved than because of the economic and cultural consequences of such flows. Dubbed “brain drain,” the movement of high human capital immigrants has traditionally been defined as a net loss for sending nations that spend scarce resources providing advanced training for their citizens, only to lose them to opportunities abroad after they have earned the necessary credentials.

But due to new theories of migration and new facts on the ground, this view has become considerably more nuanced in recent years. The traditional characterization of the brain drain relies on a simplified view of migration as a one-way process in which migrants leave to pursue a new life in the wealthier receiving countries, never to look back. On the contrary, recent evidence reveals a two-way and, sometimes, multidirectional traffic between

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migrants' origins and their new destinations, giving rise to novel conceptualizations of the process. Countries long regarded as labor exporters, and hence victims of the brain drain, have therefore come to benefit from such flows in previously unexpected ways.

Traditional destinations for this type of migration have also recently started to diversify, reflecting shifts in the global economic system. The relative decline of the United States and the rapid rise of other large nations, such as China, have led to the partial rechanneling of high-end labor flows and the emergence of new temporary and cyclical migratory movements. In this essay, we review the evolution of theories of the brain drain to create a framework for examining empirical evidence about the evolution of these flows, as well as their significance for both the countries involved and the migrants themselves.

The classical theory of international migration focuses on the joint “push” from places of origin and “pull” from immigrant destinations; the cost-benefit approach of neoclassical economics is closely associated with this theory. Both theories are individualistic and rational, predicting migration according to differentials of advantage in receiving countries. Early analyses of transatlantic migrations, such as economist Brinley Thomas's classic study, made ample use of the push-pull framework. More recently, economist George Borjas has advanced an elaborate cost-benefit approach to labor migration based on the wage gap between sending and receiving destinations, multiplied by the probability of securing a job upon arrival, minus the costs of the journey.¹

Yet these theories do not adequately explain the migration patterns of highly skilled immigrants. Broadly speaking, it is true that this type of migration origi-

nates in countries of the global South and is directed toward the advanced North; but empirical support for push-pull theory ends there. If “differentials of advantage” calculated on an individualistic basis were the principal determinant of this type of flow, professionals from the poorest countries would be best represented, at least relative to their home country's worker population. This is not the case.

Highly skilled migrants often originate in middle-income countries such as Argentina, Colombia, Mexico, and Turkey, and even in relatively high-income countries, such as Israel and Canada.² Moreover, only a minority of similarly trained professionals in countries of out-migration actually undertake the journey. Because all persons with comparable training and skills are supposedly affected by the same push-pull forces and cost-benefit calculations, it stands to reason that many more would leave due to the decisive advantages of migration. Empirical evidence contradicts this prediction.

The poor predictive record of push-pull theory and the associated economic calculus has progressively relegated this approach to the status of metaphor, used to describe *ex post facto* the reasons for particular flows but incapable of anticipating them. Neo-Marxist-inspired structural theories are at the opposite end of the analytic continuum, explaining the brain drain through the “core powers” of the global system, whose institutions increasingly penetrate into the periphery. This penetration takes the form of not only diffusion of modern consumption standards, but also modern educational and scientific practices and modes of institutional organization. Consequently, multinational corporations from the advanced countries conquer the “heights” of peripheral economies, while the educational and training systems in weaker economies increasingly imitate those

developed in economically advanced countries.³

Because they are the most motivated to “catch up” with the advanced world and possess the resources to copy its educational practices, countries at mid-levels of development are particularly susceptible to this effect.⁴ The outcome is that young professionals in peripheral countries commonly find themselves with advanced scientific and technical training, but without opportunities to put their educations into practice, given the limited demand in their respective labor markets. When shortages of trained workers in their particular fields materialize in advanced countries, these professionals provide a ready supply. This syndrome, dubbed “modernization for emigration,” is portrayed in Figure 1.

Macro-structural theories explain why professional emigration originates in mid-income countries, but they, too, fail to differentiate migrants from non-migrants. If all young professionals in a country are exposed to the same modernization syndrome, it is unclear why only a minority actually undertake the journey. It is certainly true that the structural imbalance of peripheral nations—a result of the interests of corporations and institutions from the advanced world—creates the conditions for such flows to begin. However, more grounded theory is required to explain who actually migrates. One such theory, dubbed the “new economics of migration,” relies heavily on the concept of “relative deprivation” to explain the causes of out-migration from rural communities in countries like Mexico.⁵ In the case of professional migrants, relative deprivation has also been found to be a powerful motivating force. Generally, the relevant comparison is not between professional migrants and foreign professionals, but between workers of the same nationality in the same country.⁶

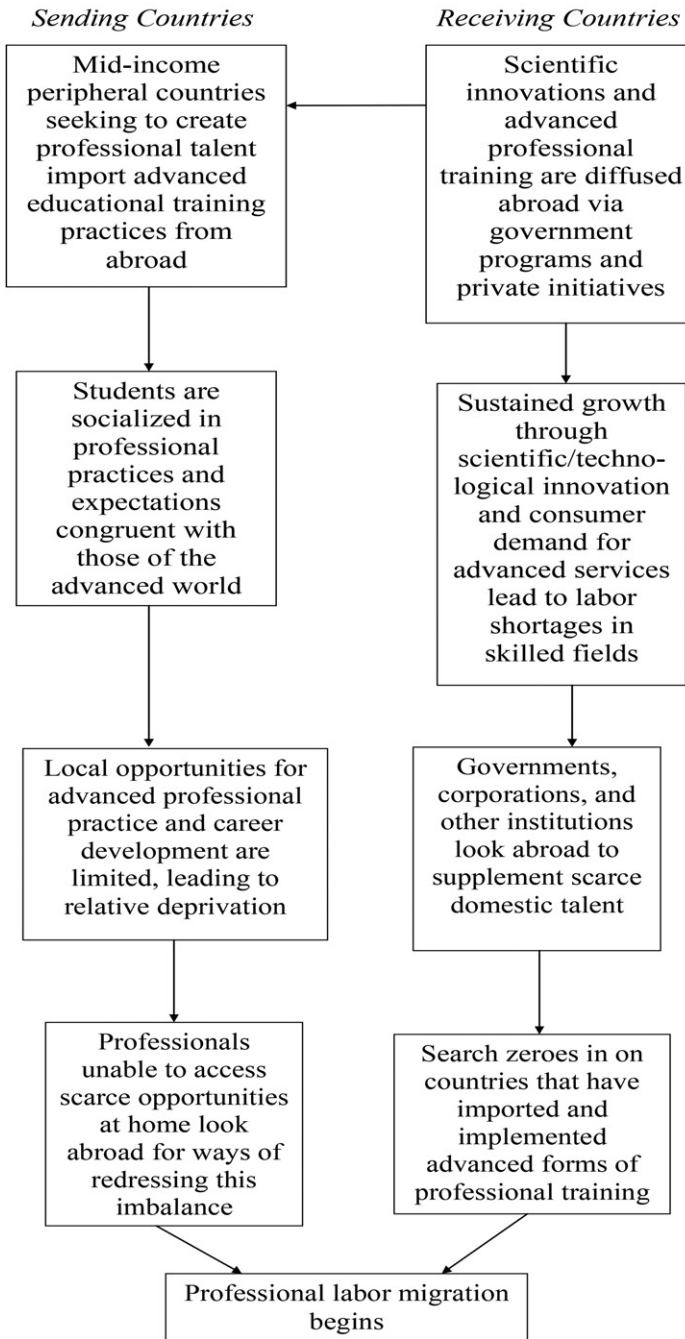
Professionals who secure relatively well-remunerated positions and who use the skills acquired during their training rarely migrate. On the contrary, those who cannot access incomes that provide a middle-class lifestyle, according to the standards of their own country, or who are threatened with early obsolescence in their careers, have every motivation to leave. Put differently, the relevant point of reference is not the invidious comparison with the incomes and work standards of first world professionals, but with the *internal* conditions of the sending countries.

A second theory used to predict who migrates is grounded on the concepts of social capital, social networks, and path dependence.⁷ Once a few pioneers have successfully migrated, overcoming the economic constraints of their home country, the risks and costs for other would-be migrants are significantly reduced. This is because social networks convey the necessary information: how to apply for a job, what tests must be passed, how to negotiate work conditions, where to live, and what to guard against. Pioneering migrants must confront these hurdles on their own, while their counterparts back home gain “social capital” through access to this migration-relevant information.⁸

Over time, social networks can lead to a self-sustaining flow of migrants. As more and more professionals move abroad, the costs of migration for those left behind are concomitantly reduced. Additionally, relative deprivation—previously confined to internal conditions in the country of origin—becomes externalized as stay-at-home professionals begin to assess their incomes and work conditions in relation to their fellow nationals abroad. Through these forces, out-migration may become normative, considered the “thing to do” by young professionals who do not want to fall behind their peers. At this point,

Figure 1
Determinants of the Brain Drain

Alejandro
Portes &
Adrienne
Celaya



Source: Figure created by authors.

migration turns path dependent as it is transformed into an expected behavior in the professional community.⁹

Path-dependent migration represents the final stage of the process through which the “modernization for emigration” syndrome is actualized. But for various reasons, this stage is not always reached. One explanation is that as governments and home country institutions fight to retain their high-skilled workforce, the salaries and working conditions in sending countries improve. A second explanation is that the saturation of demand for foreign professionals in receiving countries significantly raises the barrier for successful migration. And finally, the return of migrant professionals to their home countries and the subsequent social and economic changes they spur may also obstruct sustained path-dependent migration.¹⁰

Theories of professional migration have concentrated so far on the departure of skilled workers, not on the likelihood of their return. This explains why the process, as outlined in Figure 1, culminates in a net drain of talent for countries of origin. More recent theories have called attention to the fact that international migrants seldom leave for good. Advancements in communication and transportation technologies have made cross-border relationships easier to maintain.¹¹ This new *transnational* perspective extends and corrects the structural unbalancing theory presented in Figure 1 by adding a number of significant causal arrows. As applied to labor migrants, the emerging transnational perspective is represented in Figure 2. And in the case of professionals, this perspective must be supplemented by the significant knowledge transfers that, in addition to money remittances, these migrants generate.

The literature supporting the transnational perspective has also uncovered that migrant participation in these processes

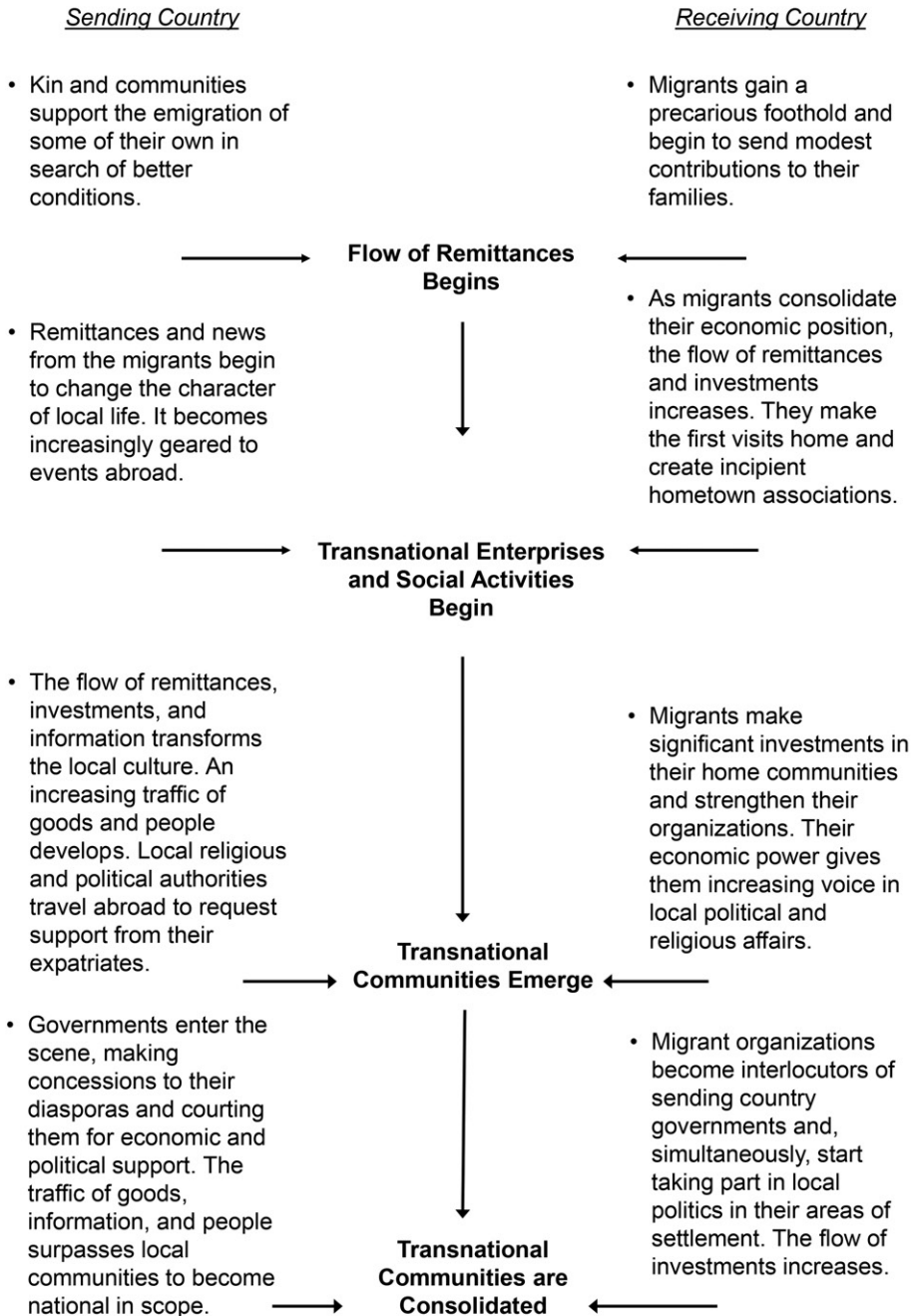
increases with length of time in the host society, security of legal residence, and economic status.¹² This finding runs contrary to classic assimilation theories that would regard such transnational contacts as a short-lived “passing phase” of immigrant adaptation.¹³ In fact, the more secure and occupationally successful migrants are, the readier they are to take part in transnational organizations and invest in enterprises in their country of origin.

Empirical literature has only recently begun to clarify the variables that define the character of immigrant engagement with their home countries. Still, the advent of the transnational perspective has provided a novel lens to analyze what had previously been viewed as a one-way flow. By the same token, the transnational perspective calls attention to entirely different social dynamics, with consequences for both places of origin and destination.

Most theories on the origins and consequences of the brain drain have featured U.S.-bound professional flows as their main empirical referent. This is largely because the United States has been the principal magnet of this type of migration in the postwar era. A preference category of the U.S. visa allocation system is reserved for “priority workers with advanced degrees or aliens of exceptional ability.” This category provided, until recently, the main entry channel for this type of high-skill immigrant. In 2002, for example, 34,452 “persons of extraordinary ability” and “outstanding researchers” and their kin, plus an additional 44,468 professionals holding advanced degrees and their families, were admitted for permanent residence. In 2010, despite the drop in employment due to the recession, the figures were similar: 41,050 “priority workers” plus 53,946 professionals with advanced degrees, or “aliens of exceptional ability,” were admitted to the United States

Figure 2
The Process of Immigrant Transnationalism

Alejandro
Portes &
Adrienne
Celaya



Source: Figure created by authors.

or had their status adjusted to permanent residence.¹⁴

Although, in relative terms, employment-related immigration has represented only about 13 percent of the total legal flow, it has been the main source of highly trained foreign workers in the American labor force. Tens of thousands of immigrant physicians, nurses, engineers, and scientists have arrived through this channel, fueling the growth of diverse sectors of the U.S. economy. Their presence helps explain why about one-quarter of the U.S. foreign-born population is made up of college graduates and postgraduates, and why roughly one-quarter of all foreign-born workers are in managerial or professional-specialty occupations.¹⁵

Foreign professionals are not the only population to benefit from the preference categories of the American immigration system; political refugees have also migrated to the United States in significant numbers. During the Cold War, the United States uniformly admitted refugees escaping from Communist regimes. This policy translated into the arrival of thousands of educated and formerly prosperous persons fleeing Marxist takeovers of their home countries. Practically the entire Cuban upper and middle classes left for the United States in the aftermath of Castro's revolution.¹⁶ This pattern repeated itself in Vietnam twenty years later.¹⁷ Following the collapse of the Soviet Union, the annual refugee flow has included significant numbers of university-educated Iranians, Iraqis, and Bosnians. In 2010, more than 73,000 refugees were admitted to the United States, including over 16,500 Bosnians, 18,000 Iraqis, and close to 5,000 Iranians.¹⁸ Unlike other immigrants, refugees are typically barred from returning home, and hence they tend to settle permanently in the receiving country.

Professional and technical specialty workers arriving under the H1-B program

constitute the other extreme with regard to temporality of migration. This new category, created by the 1990 Immigration Act and expanded thereafter, has become the principal conduit for the arrival of tens of thousands of foreign engineers, computer programmers, and medical personnel on temporary labor contracts. The H1-B visa is granted for a three-year period and may be renewed for an additional three years. The annual ceiling for petitions of the visa was originally set at 65,000; it was increased to 115,000 in 1999, and then raised to 195,000 in 2001–2003 under the American Competitiveness for the Twenty-First Century Act (AC21). There were 197,357 beneficiaries of the H1-B visa in 2002. In the same year, the total number of “temporary workers and trainees” reached 582,250.¹⁹

While the cap on H1-B visas reverted to 65,000 in 2004, the actual number of beneficiaries exceeded several times that figure because professionals coming to work for nonprofit colleges and universities and government agencies were exempted from the cap, and renewals are not counted in the quota. Thus in 2009, more than 214,000 H1-B petitions were granted. Reflecting the economic recession, this figure represented a 22 percent decline from the previous year, but it was still far ahead of the original quota. Fiscal year 2009 was the first year of the decade in which H1-B visas did not exceed 250,000.²⁰

As shown in Table 1, professional immigrants originate overwhelmingly in Asia, specifically in India. Just as Mexico has become the main supplier of unskilled and semi-skilled labor for the American economy, India has pride of place as the source of highly skilled professionals and technicians. As seen in Table 1, almost 99 percent of H1-B migrants possess a bachelor's degree or higher. Their occupational skills concentrate primarily in computer-related fields and, secondarily, in archi-

Table 1
The U.S. H1-B Program, 2008–2009

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	<i>Fiscal Year 2008</i>	<i>Fiscal Year 2009</i>
Total Petitions Approved	276,252	214,271
<i>National Origin:</i>		
India	149,629	103,059
China	24,174	20,859
Canada	10,681	9,605
Philippines	9,606	8,662
Korea	6,988	6,968
United Kingdom	4,494	4,180
Japan	4,312	3,825
Mexico	3,721	3,346
<i>Education:</i>	<i>%</i>	<i>%</i>
Less than Bachelor's Degree	1	1
Bachelor's Degree	45	41
Master's Degree	37	40
Doctorate	11	13
Professional Degree	4	5
<i>Occupation:</i>	<i>%</i>	<i>%</i>
Computer-Related	49.6	41.6
Architecture, Engineering & Surveying	10.9	11.8
Education	10.5	11.6
Administration	8.5	9.9
Medicine and Health	6.4	8.2
Other	14.1	16.9

	<i>Initial Employment</i>		<i>Continuing Employment</i>	
	Median \$	Mean \$	Median \$	Mean \$
<i>Compensation (FY 2009):</i>				
Total	59,000	66,000	74,000	78,000
Computer-Related	60,000	67,000	75,000	77,000
Architecture, Engineering & Surveying	67,000	71,000	65,000	72,000
Education	45,000	53,000	48,000	56,000
Administration	50,000	58,000	65,000	72,000
Medicine and Health	54,000	76,000	69,000	100,000
<i>Petitions by Industry:</i>	<i>Fiscal Year 2008 (%)</i>		<i>Fiscal Year 2009 (%)</i>	
Computer System Designs	42.4		33.6	
Colleges, Universities, Professional Schools	10.2		11.7	
Architectural, Engineering Firms	4.1		4.2	
Management, Scientific Consulting Firms	3.4		3.6	
Elementary & Secondary Schools	2.9		3.1	
General Medical & Surgical Hospitals	2.4		2.9	
Other	34.6		41.9	

Source: U.S. Citizenship and Immigration Services, "Characteristics of H1-B Specialty Occupation Workers – Fiscal Year 2009 Report" (Washington, D.C.: U.S. Department of Homeland Security, April 2010).

tecture and engineering. Average annual incomes exceed \$70,000, ranging from \$55,000 for college instructors and other educational personnel to close to \$90,000 for medical and health professionals.

Though reasonable, these salary figures are not particularly high for university-trained professionals. Herein lies one of the principal advantages of this type of migrant for the firms and institutions that hire them: namely, they allow employers to depress compensation for highly skilled personnel in high demand. Predictably, the principal industries benefiting from this flow are computer systems design companies, architecture and engineering firms, and colleges and universities. While H1-B visas are granted for a maximum of six years, there is evidence that many of these professionals manage to gain permanent residence.²¹

The situation portrayed so far by these figures conforms, in all its essentials, to that predicted by brain drain theory. Developed countries, in particular the United States, benefit year-by-year from a steady flow of highly skilled personnel trained in educational institutions of the less developed world, often at public expense. In principle, the movement represents a major net transfer of resources from the poor to the rich. The reality, however, is more complex.

* * *

Immigrant technologists – often the best and brightest from their home countries – integrated themselves into local economies. . . . By extending their social networks to their home countries, they have transplanted the relationships of technology entrepreneurship and are reshaping global technological competition.

– AnnaLee Saxenian, *The New Argonauts*²²

As noted, traditional theories of the brain drain erroneously overlook the tendency of immigrants to remain in close contact with their home countries. Like the classical theory of assimilation, the theoretical cousin of these theories, the orthodox portrayal of professional migration assumes that once these individuals leave their countries, they never look back. Yet, as seen above, the longer that adult immigrants live abroad and the better established they become, the more likely they are to involve themselves in the development of their home nations. As a result, countries like India and China, once seen as the principal “victims” of the brain drain, have become the principal beneficiaries of a return flow. This return has fueled remarkable and unanticipated technological and economic development in the migrants’ home countries.

These two-way flows have been characterized by two features. First, as AnnaLee Saxenian, one of the first scholars to study the phenomenon, has noted, the transnational activities of return professionals have consequences that go well beyond those of the remittances and philanthropic contributions of manual labor migrants:

By promoting the development of local capabilities in Tel Aviv, Hsinchu, Shanghai, Bangalore, and other technology clusters, while also collaborating with entrepreneurs in Silicon Valley, the new “Argonauts” have initiated a process of transformation that is shifting the global balance of economic and technological resources.²³

Put differently, return professional migration possesses both *structural importance* for the home economies and significant *change potential* for the sending and receiving nations. This potential is greater in home countries because it can alter both their value systems and their skill repertoires, though it also can affect the institutional framework that supports tech-

nological entrepreneurship in the host countries.²⁴ Second, the investments and knowledge transfers of transnational entrepreneurs (whom Saxenian labels “new Argonauts”) can be achieved without migrants leaving the host country or giving up legal residence in it. The typical response to traditional analyses of the brain drain has been to recommend that sending nations try to repatriate their skilled professionals living abroad. But because sending countries can seldom compete with the salaries or working conditions attained by expatriates, this solution has rarely worked.

On the contrary, the transnational perspective highlights the key point that immigrant professionals can, if they so choose, convert permanent migration into a cyclical migration pattern through use of new communication and transportation technologies. Indian engineers in Silicon Valley, Chinese software programmers in Boston, and Filipino doctors everywhere can continue living and working in the United States while conducting a steady stream of exchanges and investment activities in their own countries. This is a direct reflection, at the personal level, of the compression of space achieved through new technologies, and of an increasingly interconnected global system.²⁵

Although the main intent of the U.S. H1-B program has been to increase labor flexibility for American high technology firms and educational institutions, an unanticipated consequence has been to reinforce the flow of transnational communication. The expectation of returning home after a few years, whether or not it materializes, keeps migrant professionals firmly connected to events and social networks back home. It is not necessary for H1-B migrants to rebuild transnational connections after residing abroad because they never severed such links to begin with.

The case of refugees represents a partial exception to the transnational trend among expatriate professionals. Communication with and investment in home countries are commonly blocked by reason of refugees’ opposition to the dominant regime. Their case may be labeled “blocked transnationalism” because, despite their skills and resources, they are prevented (or prevent themselves) from engaging in these kinds of activities for political reasons.²⁶ While exceptions to this pattern have been identified, nations that compel their educated citizens to flee effectively lose the significant developmental effects associated with transnational activities elsewhere.

The pioneering work of Saxenian has been followed by a burgeoning literature that describes the current situation in different exporting and receiving nations. Countries of sub-Saharan Africa are in the worst situation because their emigrant professionals seldom return. Medical professionals from this region leave for Canada, the United States, and Western Europe. One study estimates that over the span of a decade, poor African countries lost \$2.17 billion in training these emigrant professionals.²⁷ Public health scholars Sumit Oberoi and Vivian Lin have studied the motivations for migration by medical personnel in Southern Africa. They found that poor working conditions, lack of job satisfaction, and the prevalence of HIV/AIDS are the dominant push factors that fuel the flow of doctors and other medical personnel to Australia.²⁸

Albania is in a similar situation, losing an estimated 50 percent of its trained labor force to Germany, Italy, and other European countries, with no prospects of return. Conversely, Slovenia has benefited from significant return migration and transnational exchanges from its professionals in the United Kingdom.²⁹ Asian

countries have been able not only to stimulate visits and investments from their expatriates but, in some instances, to attract flows of professionals from other countries. This is the case of Singapore, which now successfully competes with the United States and Western Europe for foreign talent in science and engineering.³⁰

Sociologist Lynne Zucker and economist Michael Darby have provided quantitative evidence that the “brain exchange” has benefited China’s economy. In their longitudinal study of 5,401 “star scientists,” followed over a twenty-three-year period (1981 to 2004), Zucker and Darby found ample evidence of return migration, both temporary and permanent, from the United States, as well as investments and managerial participation in high-tech industries in China.³¹ The diverse experiences of brain drain, brain gain, and brain exchange all converge on the same point: for expatriate professionals to contribute significantly to their home countries’ development, there must be something to return to. In other words, there must be a minimum of scientific and technological infrastructure capable of receiving and putting to use the immigrants’ contributions in know-how and investment capital. Slovenia, like the much larger India and China, possesses such infrastructure; Albania and the countries of sub-Saharan Africa do not. This common lesson also points to a path-dependent process leading to both vicious and virtuous circles. Poorer countries devoid of basic scientific facilities and equipment are victims of a brain drain that feeds on itself. At the opposite end, nations with a proactive state capable of providing the necessary infrastructure and enticing the activities and investments of their expatriates can benefit mightily from the transnational flow.

In other words, unaided free markets work no magic in this field. Left to them-

selves, expatriate communities are able, at best, to sponsor philanthropic projects in their places of origin.³² Targeted investments and systematic transfers of scientific and technological know-how require synergy between professionals abroad and home country institutions. An efficient and proactive state is a necessary condition for creating and sustaining the institutions that will help place the country on the path of continued development.³³

The United States continues to be the principal beneficiary of international talent flows, but in an increasingly multipolar world, other countries are challenging its hegemony. Some authors have voiced alarm at the rapid loss of American competitiveness given the flexibility of entry requirements in other receiving nations and the difficulty of gaining permanent residency in the United States. A Brookings Institution report concludes that

To stay competitive, the United States must institute more of an open-door policy to attract unique talents from other nations. Yet Americans resist such a policy despite their own immigrant histories and the substantial benefits of welcoming newcomers.³⁴

Given the flexibility of the H1-B program, these comments refer primarily to the difficulties of shifting from temporary to permanent visas and from student visas to temporary residence and work permits. The requirement that foreign students must return to their countries of origin after completing their degrees has the laudable purpose of stopping the brain drain from these nations, helping them regain access to their pool of young professionals. At the same time, the requirement leads to a significant loss of talent for the United States, at a time when its competitors have no such qualms about retaining skilled migrants. Canada’s point system, the European Union’s blue card,

and the United Kingdom's new point scheme have all increased their competitiveness in the quest for high-powered scientists and professionals. Technological growth poles in China, such as Shanghai, are attracting not only returned Chinese scientists and engineers but, increasingly, those from other countries as well.³⁵

Embracing a transnational lens would add flexibility to the present American immigration system by highlighting the mobility of highly skilled immigrants. It would clearly demonstrate that those granted permanent resident visas do not necessarily stay permanently, and those who return home do not necessarily settle there for good. On the contrary, a great deal of back-and-forth movement can be expected, as talented individuals explore opportunities distributed unequally in space. To stay competitive, U.S. policy should reflect the synergies of transna-

tional exchanges in science and technology when immigrant professionals, secure in their legal status, communicate freely with their counterparts at home and elsewhere. These synergies not only underlie the "brain gain" for sending nations, but redound to the benefit of the United States by creating an attractive environment for other migrants.

To achieve this purpose, the cumbersome, even humiliating current processes of adjusting to permanent legal status or obtaining a residence visa under the occupational preferences categories of the law must be streamlined, and the two-way flows of information and investments with source countries must be facilitated. To retain its position at the lead of the global economy, the United States must adopt a policy toward highly skilled immigration that is as flexible as the realities on the ground have become.

ENDNOTES

* Contributor Biographies: ALEJANDRO PORTES, a Fellow of the American Academy since 1998, is the Howard Harrison and Gabrielle Snyder Beck Professor of Sociology at Princeton University. His publications include *Economic Sociology: A Systematic Inquiry* (2010), *Immigrant America: A Portrait* (with Rubén Rumbaut; 3rd ed., 2006), and *Legacies: The Story of the Immigrant Second Generation* (with Rubén Rumbaut, 2001).

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¹ Brinley Thomas, *Migration and Economic Growth: A Study of Great Britain and the Atlantic Economy* (Cambridge: Cambridge University Press, 1973); and George J. Borjas, *Heaven's Door: Immigration Policy and the American Economy* (Princeton, N.J.: Princeton University Press, 2001).

² Enrique Oteiza, "La Migración de Profesionales, Técnicos y Obreros Calificados Argentinos a los Estados Unidos," *Desarrollo Económico* 10 (1971): 429–454; Alejandro Portes, "Determinants of the Brain Drain," *International Migration Review* 10 (1976): 489–508; Rafael Alarcon, "Recruitment Processes Among Foreign-Born Engineers and Scientists in Silicon Valley," *American Behavioral Scientist* 42 (1999): 1381–1397; and Steven J. Gold, "Transnationalism and Vocabularies of Motive in International Migration: The Case of Israelis in the United States," *Sociological Perspectives* 40 (1997): 409–427.

³ John Meyer and Richard Rubinson, "The World Educational Revolution, 1950–1970," *Sociology of Education* 50 (1977): 242–258; John Meyer and Francisco O. Ramirez, "World Expansion of Mass Education, 1870–1980," *Sociology of Education* 65 (1992): 128–149; Alejandro Portes and Adreain R. Ross, "Modernization for Emigration: The Medical Brain Drain from

- Argentina,” *Journal of Interamerican Studies and World Affairs* 13 (1976): 395–422; and Saskia Sassen, *The Mobility of Labor and Capital: A Study in International Investment and Labor Flow* (New York: Cambridge University Press, 1988).
- ⁴ Nilda Sito and Luis Stuhlman, “La Emigración de Científicos de la Argentina,” a working paper, Fundación Bariloche, October 1968; Alarcon, “Recruitment Processes”; and Michel Beine, Frederic Docquier, and Hillel Rapoport, “Brain Drain and Human Capital Formation in Developing Countries: Winners and Losers,” *The Economic Journal* 118 (2008): 631–652.
- ⁵ Oded Stark, “Migration Decision Making,” *Journal of Development Economics* 14 (1984): 251–259; Oded Stark, *The Migration of Labour* (Cambridge: Basil Blackwell, 1991); Douglas S. Massey, “Social Structure, Household Strategies, and the Cumulative Causation of Migration,” *Population Index* 56 (1990): 3–26; and Douglas S. Massey and Nancy Denton, “What’s Driving Mexico-U.S. Migration? A Theoretical, Empirical, and Policy Analysis,” *American Journal of Sociology* 102 (1997): 939–999.
- ⁶ Portes, “Determinants of the Brain Drain”; and Sergio Diaz-Briquets and Sidney Weintraub, *Migration, Remittances, and Small Business Development, Mexico and Caribbean Basin Countries* (Boulder, Colo.: Westview Press, 1991).
- ⁷ Grace M. Anderson, *Networks of Contact: The Portuguese in Toronto* (Ontario: Wilfrid Laurier University Press, 1974); Charles Tilly, “Transplanted Networks,” in *Immigration Reconsidered: History, Sociology, and Politics*, ed. Virginia Yans-McLaughlin (New York: Oxford University Press, 1990), 79–95; and Douglas S. Massey, Jorge Durand, and Nolan J. Malone, *Beyond Smoke and Mirrors: Mexican Immigration in an Era of Economic Integration* (New York: Russell Sage Foundation, 2002).
- ⁸ Douglas S. Massey and Felipe García España, “The Social Process of International Migration,” *Science* 237 (1987): 733–738; and Alejandro Portes and Julia Sensenbrenner, “Embeddedness and Immigration: Notes on the Social Determinants of Economic Action,” *American Journal of Sociology* 98 (1993): 1320–1350.
- ⁹ Oteiza, “La Migración de Profesionales”; Thomas Straubhaar and Martin R. Wolburg, “Brain Drain and Brain Gain in Europe: An Evaluation of the East-European Migration to Germany,” *Journal of Economics and Statistics* 218 (1999): 574–604; and Sumit S. Oberoi and Vivian Lin, “Brain Drain of Doctors from Southern Africa: Brain Gain for Australia,” *Australian Health Review* 30 (2006): 25–33.
- ¹⁰ Alejandro Portes, “Migration, Development, and Segmented Assimilation: A Conceptual Review of the Evidence,” *The Annals of the American Academy of Political and Social Science* 610 (2007): 73–97; AnnaLee Saxenian, *Silicon Valley’s New Immigrant Entrepreneurs* (San Francisco: Public Policy Institute of California, 1999); and Min Zhou, “Revisiting Ethnic Entrepreneurship: Convergencies, Controversies, and Conceptual Advancements,” *International Migration Review* 38 (2004): 1040–1074.
- ¹¹ Luis E. Guarnizo, “The Rise of Transnational Social Formations: Mexican and Dominican State Responses to Transnational Migration,” *Political Power and Social Theory* 12 (1998): 45–94; Luis E. Guarnizo, “The Economics of Transnational Living,” *International Migration Review* 37 (2003): 666–699; and Peggy Levitt, “Transnational Migration: Taking Stock and Future Directions,” *Global Networks* 1 (2001): 195–216.
- ¹² Alejandro Portes, William Haller, and Luis E. Guarnizo, “Transnational Entrepreneurs: An Alternative Form of Immigrant Adaptation,” *American Sociological Review* 67 (2002): 278–298; Luis E. Guarnizo, Alejandro Portes, and William J. Haller, “Assimilation and Transnationalism: Determinants of Transnational Political Action among Contemporary Immigrants,” *American Journal of Sociology* 108 (2003): 1211–1248; and Jose Itzigsohn and Silvia G. Saucido, “Immigrant Incorporation and Sociocultural Transnationalism,” *International Migration Review* 36 (2002): 766–798.
- ¹³ Milton M. Gordon, *Assimilation in American Life: The Role of Race, Religion, and National Origins* (New York: Oxford University Press, 1964); and Richard Alba and Victor Nee, *Remaking the*

- American Mainstream: Assimilation and Contemporary Immigration* (Cambridge, Mass.: Harvard University Press, 2003).
- ¹⁴ Office of Immigration Statistics, 2003 *Annual Report* (Washington, D.C.: U.S. Department of Homeland Security); and Office of Immigration Statistics, 2011 *Annual Report* (Washington, D.C.: U.S. Department of Homeland Security), Table 6.
- ¹⁵ U.S. Census Bureau, 2012 American Community Survey, “Profiles of the Population of the United States – One-Year Estimates,” <http://www.census.gov/acs/www/>.
- ¹⁶ Lisandro Perez, “Cuban Miami,” in *Miami Now*, ed. Guillermo J. Grenier and Alex Stepick (Gainesville: University Press of Florida, 1992), 83–108; Alejandro Portes and Alex Stepick, *City on the Edge: The Transformation of Miami* (Berkeley: University of California Press, 1993); and Alejandro Portes and Steven Shafer, “Revisiting the Enclave Hypothesis: Miami Twenty-Five Years Later,” *Research in the Sociology of Organizations* 25 (2007): 157–190.
- ¹⁷ Min Zhou, “Straddling Different Worlds: The Acculturation of Vietnamese Refugee Children,” in *Ethnicities: Children of Immigrants in America*, ed. Rubén G. Rumbaut and Alejandro Portes (Berkeley and New York: University of California Press and Russell Sage Foundation, 2001), 187–227.
- ¹⁸ Office of Immigration Statistics, 2010 *Annual Report* (Washington, D.C.: U.S. Department of Homeland Security), Table 14.
- ¹⁹ U.S. Citizenship and Immigration Services, *Characteristics of H-1B Specialty Occupation Workers: Fiscal Year 2009 Report* (Washington, D.C.: U.S. Department of Homeland Security, 2010).
- ²⁰ *Ibid.*
- ²¹ *Ibid.*; and Saxenian, *Silicon Valley’s New Immigrant Entrepreneurs*.
- ²² AnnaLee Saxenian, *The New Argonauts: Regional Advantage in a Global Economy* (Cambridge, Mass.: Harvard University Press, 2006), 14.
- ²³ *Ibid.*
- ²⁴ For a discussion and analysis of the differences between structural importance and change potential of immigrant flows, see Alejandro Portes, “Migration and Social Change: Some Conceptual Reflections,” *Journal of Ethnic and Migration Studies* 36 (2010): 1537–1563.
- ²⁵ Guarnizo, “The Rise of Transnational Social Formations”; Peggy Levitt, “Transnationalizing Community Development: The Case of Migration between Boston and the Dominican Republic,” *Voluntary Sector Quarterly* 26 (1997): 509–526; and Steven Vertovec, “Migrant Transnationalism and Modes of Transformation,” *International Migration Review* 38 (2004): 970–1001.
- ²⁶ Min Zhou and Carl Bankston, *Growing up American: How Vietnamese Immigrants Adapt to Life in the United States* (New York: Russell Sage Foundation, 1998); Portes, “Migration, Development, and Segmented Assimilation”; and Jennifer Huynh, “Vietnamese Transnational Organizations and Development,” final report to the International Research Network on Immigrant Organizations and Development, Center for Migration and Development, Princeton University, April 2012.
- ²⁷ Tikki Pang, Mary Ann Lansang, and Andy Haines, “Brain Drain and Health Professionals: A Global Problem Needs Global Solutions,” *British Medical Journal* 324 (2002): 599–600.
- ²⁸ Oberoi and Lin, “Brain Drain of Doctors from Southern Africa.”
- ²⁹ Centre for Social and Economic Studies, in collaboration with the Development Research Centre on Migration, Globalization and Poverty, University of Sussex, U.K., “From Brain Drain to Brain Gain: Mobilizing Albania’s Skilled Diaspora,” policy paper prepared for the Government of Albania, April 2006.
- ³⁰ Linda Low, “Population Movement in the Asia Pacific Region: Singapore Perspective,” *The International Migration Review* 29 (1995): 745–764; and Chris Gafner and Stephen Yale-

- Loehr, "Attracting the Best and Brightest: A Critique of the Current U.S. Immigration System," *Fordham Urban Law Journal* 38 (2010): 185 – 215.
- 31 Lynne G. Zucker and Michael R. Darby, "Star Scientists, Innovation, and Regional and National Immigration," *Social Science Research Network* (2007), doi:10.2139/ssrn.1001112.
- 32 Patricia Landolt, "Salvadoran Economic Transnationalism: Embedded Strategies for Household Maintenance, Immigrant Incorporation, and Entrepreneurial Expansion," *Global Networks* 1 (2000): 217 – 242; and Guarnizo, "The Economics of Transnational Living."
- 33 Peter Evans, *Embedded Autonomy: States and Industrial Transformation* (Princeton, N.J.: Princeton University Press, 1995); Dani Rodrik, "Institutions for High-Quality Growth: What They Are and How to Acquire Them," *Studies in Comparative International Development* 35 (2000): 3 – 31; and Alejandro Portes and Lori D. Smith, "Institutions and Development in Latin America: A Comparative Study," *Studies in Comparative and International Development* 43 (2008): 101 – 128.
- 34 Darrell M. West, *Brain Gain: Rethinking U.S. Immigration Policy* (Washington, D.C.: Brookings Institution Press, 2010), 1.
- 35 Gafner and Yale-Loehr, "Attracting the Best and Brightest"; and Alejandro Portes and Min Zhou, "The Eagle and the Dragon: Immigrant Transnational Organizations and Development in China and Mexico," *Population and Development Review* 38 (June 2012): 191 – 220.

The Illegality Trap: The Politics of Immigration & the Lens of Illegality

Michael Jones-Correa & Els de Graauw

*Abstract: The focus on undocumented immigrants in contemporary U.S. immigration debates, often at the expense of other immigration issues, has led to an illegality trap. This situation has serious negative consequences for both U.S. immigration policy and immigrants, including an overwhelming emphasis on enforcement; legislative gridlock and the failure of comprehensive immigration reform; constitutional conflict resulting from tensions between national, state, and local approaches to dealing with undocumented immigration; and the puzzling absence of federal policies addressing immigrant integration. This essay argues for a reframing of “illegality” as a contingent rather than categorical status, building on the insights of *Plyler v. Doe* and notions of implied contract and attachment to U.S. society. Doing so, we contend, will shift the terms of the immigration debate, enabling more fruitful policy discussions about both immigration and immigrant integration.*

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Americans have disagreed about immigration since the founding of the republic. What is curious about the contemporary immigration debate, however, is the degree to which it is focused on “illegal” immigrants. The heated rhetoric and deep partisan divisions over undocumented immigration disguise the fact that there is a durable and broad-based consensus about legal migration to the United States, dating back to the 1965 Immigration and Nationality Act. The key provisions of the 1965 act – equal quotas by country and region and a commitment to family reunification – still guide the federal government’s decisions about whom to admit to the country as legal migrants. However, the current debate obscures this underlying consensus and instead focuses on the conundrum of undocumented migrants currently living in the United States. This emphasis is ultimately dysfunctional for immigration policy and detrimental to the incorporation of

immigrants as residents and citizens of the United States.

There are an estimated 11.1 million undocumented migrants living in the United States, up from an estimated 1.9 million in 1988.¹ The majority, 59 percent, are from Mexico, with the majority of the remainder coming from other Latin American countries.² These migrants either overstayed legal visas for tourism, study, or temporary work or entered the country clandestinely, often by crossing the U.S.-Mexico border. While their numbers are significant, undocumented migrants make up only one in four foreign-born residents in the United States. In 2010, the United States counted almost 40 million foreign-born residents, up from 19.8 million in 1990, including 17.5 million naturalized immigrants.³ All together, legal immigrants now make up 71 percent of all immigrants to the United States, with 44 percent of all foreign-born residents having acquired U.S. citizenship. Given these statistics, it is curious that debates about immigration and its effects on the United States have been driven by the minority of immigrants deemed “illegal.”

The single-minded focus on undocumented immigration in the contemporary immigration debate, and the inability to shift this focus, is what we term the *illegality trap*. This essay begins with a discussion of how illegality is framed in public and political discourse, and how it became subsequently problematized in politics and policy-making. We then address how the focus on “illegal” immigration has produced serious negative consequences for both U.S. immigration policy and immigrants alike, resulting in: 1) an overwhelming emphasis on enforcement; 2) legislative gridlock leading to the failure of comprehensive immigration reform; 3) constitutional conflict resulting from greater state and local pol-

icy activism around the issue of undocumented immigration; and 4) the puzzling absence of federal policies devoted to immigrant integration. The essay concludes by looking again at how discussions of immigration in the United States have been trapped by the illegality frame, and how it might be possible to get out of it. We propose that reframing “illegality” as a contingent rather than categorical status will enable more fruitful policy discussions about immigration and immigrant integration.

Immigrants who enter the United States without documentation or who overstay temporary visas are often referred to, in contemporary popular discourse, as “illegals.” In this discourse, illegality is taken as self-evident, as echoed in the rhetorical question brandished by immigration opponents: “What part of ‘illegal’ don’t you understand?”⁴ In reality, however, illegality is far from self-evident because it is as much a political category as a legal status. Since the late nineteenth century, a series of government policies and practices have constructed and subsequently modified the category of “illegal immigrants,” in the process deepening the division between “illegal” immigrants and their legal counterparts.⁵

Through much of the nation’s early history, “illegal” immigrants were counted alongside other migrants entering the country through formal ports of entry.⁶ Only in 1891, following the creation of the Office of the Superintendent of Immigration and the formalization of an entry process under federal auspices to screen out undesirable immigrants, did illegal immigrants emerge as a distinct category of persons residing in the United States without permission.⁷ However, undocumented immigrants had not yet been problematized as a political issue. Federal immigration officials paid little

attention to land borders until the 1920s, and circular migration – including that of individuals crossing the U.S.-Mexico border without formal documentation – continued to be tolerated by the government and was encouraged by agricultural interests reliant on migrant labor. Being undocumented, a civil violation rather than a criminal one, was a contingent status that could be remedied, and undocumented immigrants had different avenues to regularize their status.⁸

Legislative changes during the second half of the twentieth century hardened the boundaries of illegality and reduced the pathways to legalization. The Bracero Program, which since 1942 had allowed Mexico and Caribbean countries to send millions of temporary migrants to fill U.S. labor shortages, was terminated in 1964, thereby ending official recognition of circular migration.⁹ The 1965 Immigration and Nationality Act again rewrote the rules of the game. Overall, the act liberalized immigration to the United States by removing the restrictive national-origins quotas that for four decades had benefited immigrants from Western Europe and by shifting to a system of family-based migration. However, the act also introduced, for the first time, overall limits and caps on immigration from the Western Hemisphere, which proved particularly problematic for migration from Mexico. In a few short years, visa availability for migrants from Mexico plummeted from 450,000 annual guest worker visas and an unlimited number of residence visas to just 20,000 visas for permanent residence, with no legal guest worker program. Because incentives to migrate to the United States remained, these policy changes did little to reduce net migration from Mexico: they simply meant that most migrants were now considered “illegal.”¹⁰

By the early 1980s, the number of undocumented residents in the United

States, most of them from Mexico, had grown substantially, making illegal immigration a top political issue. A prolonged debate in Congress about how to curb illegal immigration and what to do with undocumented immigrants already in the country led to the passage of the 1986 Immigration Reform and Control Act (IRCA). This law was expected to provide a comprehensive solution to the growing problem of undocumented immigration by providing for increased border control and employer sanctions to curb illegal immigration, as well as a one-time amnesty for undocumented immigrants who could prove their U.S. residence for eight or more years. Although more than 2.7 million undocumented immigrants, including 2.3 million from Mexico, legalized their status under IRCA, the legislation did not address the underlying causes of illegal immigration, and its ineffective enforcement mechanisms failed to curb undocumented immigration.¹¹ Consequently, the undocumented population continued to grow over the next three decades, further hardening the political discourse around illegality.¹²

Laws enacted since the 1990s – which have restricted immigrant admissions, facilitated immigrant deportations, and restricted immigrants’ access to employment, housing, education, and social welfare programs – further distinguished “illegal” from legal immigrants.¹³ In recent years, there has also been an increased blurring of criminal and immigration law, a phenomenon that some legal scholars have referred to as “crim-migration.”¹⁴ While immigration laws are civil and their violation has historically been a civil offense, the federal government has increasingly pursued criminal prosecution for individuals who enter and reenter the United States without documentation.

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In doing so, the federal government has contributed to the public misperception that residing in the country without legal documentation constitutes a crime, thereby making “illegal” immigrants an accepted target of all discussions about immigration. It also casts undocumented immigration as a valence issue, disliked by politicians of both parties, the media, and the electorate. This has made it increasingly difficult to address the underlying structural reasons for why undocumented immigration occurs, or to address illegal immigration in conjunction with legal immigration. The immigration debate has become trapped by the language of illegality.

The gradual hardening of the political discourse around illegality and the growing public dislike of illegal immigrants have given rise to a set of federal initiatives that disproportionately focus on enforcement as the path to curb illegal immigration.¹⁵ Legislatively, Congress enacted the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) and the Antiterrorism and Effective Death Penalty Act (AEDPA) in 1996. These laws have expanded the categories of immigrants subject to deportation, restricted the ability of immigrants to appeal deportation, and increased the crimes for which immigrants could be deported.¹⁶ Five years later, following the terrorist attacks of 2001, Congress enacted the USA PATRIOT Act, which further restricted immigrants’ civil liberties by creating new grounds for deportation and making it easier for federal officials to detain foreign-born individuals suspected of terrorist activities. The criminalization of immigration and the portrayal of undocumented immigrants as dangerous criminals and threats to national security have made it difficult for politicians to speak out against immigration

enforcement initiatives or offer any alternatives.

Administratively, every recent president has focused on immigration enforcement. During President Bill Clinton’s tenure between 1993 and 2001, the Border Patrol’s budget tripled from \$363 million to \$1.1 billion, and the number of agents stationed on the Southwest border increased from 3,444 to 8,580.¹⁷ Under President George W. Bush, enforcement broadened its focus to the country’s interior, executing high-profile workplace raids and neighborhood sweeps to round up unauthorized immigrants, tracking down illegal fugitives who had ignored officials’ orders to leave the United States, and implementing the controversial 287(g) program that authorized designated state and local police officials to perform federal immigration enforcement functions. The emphasis on internal enforcement endured under President Barack Obama, although the focus has shifted to targeting employers with I-9 audits, as well as the identification and removal of dangerous criminal aliens. Under President Obama, federal immigration officials have continued to rely on state and local law enforcement officials to apprehend undocumented residents for deportation, with the 287(g) program superseded by the nationwide implementation of the Secure Communities initiative in 2013.

Those who claim that these enforcement initiatives have been successful point to the recent increase in the number of illegal immigrant removals from the United States and the simultaneous drop in illegal immigrant border apprehensions. However, those arguing that these initiatives have failed instead point to the growth in the undocumented population in the two decades following the enactment of IRCA, from an estimated 1.9 million in 1988 to an estimated 12.4 million in 2007.¹⁸ Given the increased costs and risks of crossing

the U.S.-Mexico border, the federal enforcement initiatives pursued since the 1990s have had the unintended consequence of ending circular migration and increasing the number of undocumented immigrants who have settled permanently in the United States.¹⁹ The 2001 expiration of Section 245(i) of the Immigration and Nationality Act, which since 1994 had helped certain undocumented immigrants to adjust their status without leaving the United States, further increased the size of the settled undocumented population. Despite evidence that the twenty-year rise in the undocumented population in the United States is a direct response to increased border enforcement and a lack of legalization opportunities, calls for an enforcement-only approach have grown only louder in recent years.

The post-IRCA focus on illegality not only produced an immigration regime biased toward enforcement, but also contributed to the failure of recent congressional endeavors to enact a new legalization program as part of a comprehensive immigration reform package. In 2005, while the U.S. Senate considered comprehensive immigration reform proposals of its own, the U.S. House of Representatives acted first, passing the Border Protection, Antiterrorism, and Illegal Immigration Control Act (H.R. 4437), an enforcement-only bill that sought to increase border and interior enforcement, criminalize undocumented immigrants and those who help them, and further restrict due process rights for illegal immigrants.

Widely perceived as draconian, H.R. 4437 catalyzed the largest street protests in U.S. history. In the spring of 2006, an estimated 3.5 to 5.1 million people participated in peaceful rallies in more than 160 cities nationwide to oppose the House bill.²⁰ The Senate subsequently refused to consider the legislation, yet its alterna-

tive proposals that did provide a path to legalization for unauthorized immigrants, including the Comprehensive Immigration Reform Act of 2006 (S. 2611) and the Comprehensive Immigration Reform Act of 2007 (S. 1348), also failed to pass.

While there is a push to introduce comprehensive immigration reform legislation in 2013, disagreements about what to do about the millions of undocumented residents in the United States remain so deep-seated that Congress appears gridlocked over even smaller legislative initiatives that focus on legalizing only specific groups of unauthorized immigrants, such as students (DREAM Act) and agricultural workers (AgJOBS). The continued failure of attempts at comprehensive immigration reform is surprising given that opinion polls routinely find that most Americans favor such legislation as a practical solution to the problem of unauthorized immigration, as do the various interest groups – including labor unions, immigrant rights groups, and business groups – tied to the Democratic and Republican Parties.²¹ Additionally, both Presidents Bush and Obama have supported comprehensive immigration reform proposals that combine enforcement, legalization, and changes to the visa system.

This disconnect between public preferences and immigration reform policy is illustrative of the extent to which the issues of illegality and immigration enforcement have skewed the policy-making process. Conservative politicians are at one end of the spectrum, strategically backing a focus on enforcement that precludes discussion of any type of legalization. A coalition of groups supporting comprehensive immigration reform – business groups, labor unions, civil liberties groups, and immigrant rights groups – are at the other end of the spectrum, struggling with the political valence of

immigration issues. This coalition of immigration reform supporters has found it difficult to reach consensus about the type of legalization program they support and which undocumented immigrants they believe deserve legalization.

Congress' failure through the 2000s to enact a legislative fix to the illegal immigration problem has compelled state and local governments to fill the federal policy void with their own immigration laws and ordinances. State legislative activity increased more than fivefold between 2005, when legislatures in 25 states considered approximately 300 immigration-related bills and enacted 39 of them, and 2011, when state legislators introduced 1,607 immigration-related bills and resolutions and passed 306 of them in 42 states and Puerto Rico.²² Attention to immigration issues has also spiked in municipalities, and by the end of 2007, 180 cities, towns, and counties across the country had considered immigration-related proposals, enacting close to 120 ordinances.²³

These state and local laws tackle immigration issues across a broad range of policy areas, but most address immigrants' eligibility for state-issued identification documents (such as a driver's license), their access to employment, housing, education, and other public benefits, and the relationship between local law enforcement agencies and federal immigration authorities. Some of these laws help immigrants integrate by granting them in-state college tuition, local voting rights, municipal ID cards, and local sanctuary from federal immigration laws.²⁴ Many other laws, however, seek to make life as difficult as possible for undocumented immigrants by excluding them from employment and housing opportunities as well as from a variety of government benefits.²⁵ Increasingly, state and local

government officials, in addition to federal authorities, have come to view immigration primarily through the lens of illegality.

The explosion in state and local immigration laws is, on the one hand, a consequence of the immigration quandary in the federal legislative sphere. On the other, it has added yet another layer of political conflict, though now in the judicial sphere. State and local laws addressing illegal immigration have produced constitutional conundrums and consequently have triggered legal challenges invoking the preemption and supremacy clauses of the Constitution under which immigration policy has traditionally been understood as a federal prerogative.²⁶

Anti-immigrant state and local laws, however, have also come under legal scrutiny for purportedly subjecting individuals, especially Latinos, to racial profiling and other civil rights violations. Legal challenges have blocked the implementation of local anti-immigrant ordinances that penalize employers for hiring undocumented immigrants and landlords for renting to them.²⁷ More recently, in June 2012, the U.S. Supreme Court invalidated most provisions of Arizona's controversial anti-immigrant law, S.B. 1070, enacted in 2010. The courts thus have sent a clear signal that setting immigration policy remains the purview of the federal government. This does not mean, however, that federal policy-makers have reached any consensus about how to solve the undocumented immigration problem. And as long as they continue to prioritize an illegality frame, policy-makers are unlikely to break the impasse over immigration reform.

The illegality frame, with its consequent shifting of government resources to enforcement, has also meant that federal officials have paid little attention to and

invested few resources in the societal integration of both legal immigrants and undocumented migrants who have long lived, worked, and paid taxes in the United States.²⁸ Even though the federal government has granted legal permanent residency to one million individuals (including an average of 80,000 refugees) annually over the past twenty years, it takes very limited responsibility for immigrants' integration.²⁹ Within an overall *laissez-faire* approach to integration, immigrants are expected to use their own resources, family, friendship networks, and perhaps the assistance of local community organizations and local government to survive and thrive in the United States, while the federal government provides minimal support to help legal immigrants naturalize, learn English, find employment, or participate in civic and political life.³⁰ Illegal immigrants, because they have violated the country's immigration laws, are not even considered legitimate beneficiaries of public policies intended to advance immigrant sociocultural, economic, and political integration in the United States. The political sidelining of immigrant integration, and the exclusion of undocumented migrants from even minimal federal integration efforts, harms immigrants and their families, in addition to the rest of U.S. society.

For undocumented immigrants, the barriers to integration are formidable. Under current law, a person has to prove his or her legal immigration status in order to get a driver's license or get a job. With the exception of emergency medical care, K-12 schooling for undocumented children, and general municipal services such as libraries and policing, undocumented immigrants are excluded from government-funded programs and services that can foster their integration.³¹ Their designation as "illegals" also undermines their ability to integrate. The fear of deporta-

tion forces many undocumented immigrants to lead hidden lives characterized by economic hardship and limited physical mobility, where even the most mundane activities such as working, driving, and traveling become dangerous and illicit acts.³²

The threat of deportation also discourages undocumented immigrants from exercising their rights against unscrupulous employers and landlords who take advantage of them in the labor and housing markets, and from reporting crimes to law enforcement authorities.³³ While undocumented immigrants experience these integration barriers most acutely, they also affect their families and U.S.-born children.³⁴ Just over half of all undocumented immigrants live in mixed-status households, with 4.5 million American-born children having at least one undocumented parent, and 16.6 million people living in families with at least one undocumented immigrant.³⁵

The focus on illegality also deemphasizes the integration of legally admitted migrants, who make up nearly three-quarters of all foreign-born individuals in the United States. Especially for legal immigrants who are ethnoracial minorities, limited-English proficient, uneducated, or poor, the absence of federal integration policies curtails their life chances and their successful integration into U.S. society. Research suggests that government integration policies in countries such as Canada (where the federal government funds and coordinates immigrant integration policies) help immigrants learn the host country's language and secure better jobs more quickly, earn higher incomes, and thus contribute to the economy more fully and provide a brighter future for their children.³⁶ In the Canadian context, government policies targeting immigrants also facilitate their naturalization and encourage their civic

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and political participation.³⁷ Government integration policies thus can benefit the rest of society in addition to the immigrants they target.

Framing the immigration debate around illegality clearly has had a series of very negative consequences: enforcement becomes the only conceivable and acceptable response; it shuts off the possibility of more comprehensive immigration reform; this failure, in turn, leads to the devolution of immigration policy-making to states and localities; and it shifts attention away from the real needs and requirements of immigrant integration. Breaking this impasse around immigration policy requires a reframing of the immigration debate. Since illegality is a valence issue, with no upside, it is difficult to shift away from this frame. We require a fundamental rethinking of the meaning of the term *illegal*.

The first step in rethinking illegality is to stop using it so categorically; there is no single kind of illegality. “Illegality” can include legal and illegal entry, legal and illegal residence, legal and illegal employment, and civil and criminal illegality. Together, they combine to produce different forms and degrees of irregularity.³⁸ For example, despite the popular image of undocumented immigrants jumping or swimming across the border clandestinely, as much as 45 percent of undocumented immigrants in the United States entered the country legally and then overstayed their visas.³⁹ Only a small minority of undocumented immigrants are engaged in criminal activity in the United States.⁴⁰ And finally, many undocumented immigrants – especially those brought to the United States as young children – do not know they are undocumented until they apply for college or try to find a job.⁴¹

In contemporary debates, immigrants are either illegal or they are not. In reality, illegality is often contingent, with people

adjusting their status over time.⁴² Recent studies indicate that significant numbers of immigrants obtain legal status despite previous experience as an “illegal.” For instance, one study tracking legal immigrants who arrived in 1996 found that approximately 19 percent had entered without inspection, another 12 percent had overstayed visas, and 11 percent had worked without authorization. Among those with experiences of being “illegal,” 61 percent were entries without inspection while 38 percent had entered legally but overstayed their visas. A decade later, almost a third of the now “legal” immigrants in this cohort had succeeded in regularizing their status and overcoming the stigma of illegality.⁴³

A second step in rethinking illegality is to recognize that both political parties tend to ignore key aspects of undocumented migration. Republicans, for example, often fail to recognize that many “illegals” are here to stay because they have deep ties to the United States through marriage, children, and work.⁴⁴ Although the U.S. economy declined precipitously after 2008 and the pace of new immigration to the United States certainly decreased, in 2011 there were still an estimated 11.1 million unauthorized immigrants in the country – a number not much lower than during the economy’s previous high point. Democrats, for their part, have focused on proposals providing for “amnesty” or legalization, but they still accept the frame of illegality and the idea that there are categorically “illegal” individuals. Both parties need to recognize that illegality is not an either/or categorization, and that the line delineating illegal from legal is fuzzy.

One way to shift the debate from the illegality trap would be to build on *Plyler v. Doe*, the 1982 Supreme Court decision that found that all children, regardless of legal status, are entitled to a free K-12

public education. The Supreme Court justices based their argument on the idea that “the children who are plaintiffs in these cases are special members of this underclass [of unauthorized immigrants]. . . . The children of . . . illegal entrants can affect neither their parents’ conduct nor their own status. . . . Legislation directing the onus of a parent’s misconduct against his children does not comport with fundamental conceptions of justice.”⁴⁵ The *Plyler* decision implies that we *already* recognize that illegality is not categorical, and that the rights that people hold depend on their circumstances. However, *Plyler* also explicitly limits recognition of these rights to children, not all migrants.

Another way to move forward would be to recognize membership based on implied *contract*, resulting from working in the United States, or *attachment*, resulting from length of residence in the United States.⁴⁶ Recognition of a contractual relationship between migrants and receiving societies hinges on the argument that migrations are not accidental: they occur because the countries receiving immigrants *acquiesce* in their presence.⁴⁷ As legal scholar Hiroshi Motomura notes, the “policy of acquiescing and tolerating immigration outside the law effectively invites immigration outside the law.”⁴⁸

The attachment argument begins with the recognition that people living in the United States, regardless of their age at arrival in the United States, are not sealed off from U.S. society. They are, whether we like it or not, increasingly a part of it, especially with more time spent in the country.⁴⁹ This is the line of reasoning taken by those advocating a DREAM Act, a federal law that would allow a path to citizenship for those who came to the United States at a young age and completed their high school education in the United States. DREAM Act advocates contend that these residents deserve a re-

adjustment of their status because they are *already* good citizens.⁵⁰ Similarly, a group of scholars has argued that preceding their acquisition of rights as full U.S. citizens, undocumented immigrants can acquire local citizenship or membership rights based on their residence and economic contribution to a local community.⁵¹

Reframing illegality would shift the terms of the debate and allow the deadlocked policy process to move forward. We list three plausible strategies that could be pursued once we accept a more nuanced definition of illegality. A great deal of energy has been expended on the legalization or amnesty option, as a number of other countries have done and as the United States did in 1986. This is a political dead end; and as we noted above, a one-time legalization largely preserves the categorical legal/illegal dichotomy.⁵² A better alternative would be to pursue the idea of “earned legalization,” whereby migrants acquire points toward residency by meeting certain criteria, such as number of years in the country, having a stable job, paying taxes, and not having a criminal record.⁵³ Earned legalization acknowledges the nuances of illegality and could be constructed as a continuous process rather than as a one-shot deal, avoiding the buildup of a large population of undocumented migrants.

Second, Congress could institute a statute of limitations on deportations. Through 1917, the United States very rarely deported illegal immigrants, and there was a statute of limitations on deportation. After 1891, undocumented migrants were deported only if they became a public charge within one year of their entry, and in 1917 this statute of limitations was extended to five years.⁵⁴ It was only in 1924 that Congress eliminated the statute of limitations on undocumented entry. Reinstating a statute of

limitations would place undocumented residence more in line with other kinds of illegal activity for which statutes of limitations already exist. Illegality would subsequently and more appropriately define the behavior of a person, not the person in his or her entirety.

Finally, the United States could expand administrative discretion. Discretionary relief from removal takes into account the time immigrants have been in the country and the ties they have to U.S. citizens or lawful permanent residents.⁵⁵ U.S. law has historically allowed case-by-case administrative determinations of attachments to the United States – through family or time spent in the country – and allowances for “meritorious cases” or for those facing hardship if deported.⁵⁶ Administrative rules applying to deportation were tightened in 1996, when Congress added the requirement that undocumented migrants challenging removal

must prove that deportation would result in “exceptional and extremely unusual hardship” to a close family member who was a U.S. citizen or a legal permanent resident.⁵⁷ The Obama administration’s recent decision, through its Deferred Action for Childhood Arrivals (DACA) program, to expand the role of administrative discretion in the deportation of certain unauthorized immigrants who entered the United States as children is one example of this strategy in action.⁵⁸

Any or all of these policy steps would be possible if the U.S. immigration debate were to break free from the illegality trap. Jettisoning the idea that illegality is categorical rather than contingent would break the logjam in immigration policy, but more important, it would allow for greater opportunities for the many immigrants now in the United States, regardless of how they arrived.

ENDNOTES

- * Contributor Biographies: MICHAEL JONES-CORREA is Professor of Government at Cornell University. His publications include *Latinos in the New Millennium* (with Luis R. Fraga, John A. Garcia, Rodney E. Hero, Valerie Martinez-Ebers, and Gary M. Segura, 2012), *Latino Lives in America: Making It Home* (with Luis R. Fraga et al., 2010), and *Between Two Nations: The Political Predicament of Latinos in New York City* (1998).

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- ¹ Jeffrey S. Passel and D’Vera Cohn, “Unauthorized Immigrants: 11.1 Million in 2011,” Pew Research Hispanic Center, December 6, 2012, <http://www.pewhispanic.org/2012/12/06/unauthorized-immigrants-11-1-million-in-2011/>; and Karen A. Woodrow and Jeffrey S. Passel, “Post-IRCA Undocumented Immigration to the United States: An Analysis Based on the June 1988 CPS,” in *Undocumented Migration to the United States: IRCA and the Experience of the 1980s*, ed. Frank D. Bean, Barry Edmonston, and Jeffrey S. Passel (Santa Monica, Calif., and Washington, D.C.: RAND Corporation and Urban Institute Press, 1990), 33–75.

- 2 Michael Hofer, Nancy Rytina, and Bryan Baker, *Estimates of the Unauthorized Immigrant Population Living in the United States: January 2011* (Washington, D.C.: Office of Immigration Statistics, U.S. Department of Homeland Security, 2012).
- 3 Elizabeth M. Grieco, Yesenia D. Acosta, G. Patricia de la Cruz, Christine Gambino, Thomas Gryn, Luke J. Larsen, Edward N. Trevelyan, and Nathan P. Walters, *The Foreign-Born Population of the United States: 2010* (Washington, D.C.: American Community Survey Reports, 2012).
- 4 Lawrence Downes, "What Part of 'Illegal' Don't You Understand?" *The New York Times*, October 28, 2007.
- 5 Linda Bosniak, *The Citizen and the Alien: Dilemmas of Contemporary Membership* (Princeton, N.J.: Princeton University Press, 2006); Susan B. Coutin, *Legalizing Moves: Salvadoran Immigrants' Struggle for U.S. Residency* (Ann Arbor: University of Michigan Press, 2000); Nicholas P. DeGenova, "Migrant 'Illegality' and Deportability in Everyday Life," *Annual Review of Anthropology* 31 (2002): 419 – 447; Jacqueline M. Hagan, *Deciding to Be Legal: A Maya Community in Houston* (Philadelphia: Temple University Press, 1994); and Mae M. Ngai, *Impossible Subjects: Illegal Aliens and the Making of Modern America* (Princeton, N.J.: Princeton University Press, 2004).
- 6 Ngai, *Impossible Subjects*.
- 7 The Office of the Superintendent of Immigration was the precursor to the Bureau of Immigration and the Immigration and Naturalization Service, now Immigration and Customs Enforcement in the Department of Homeland Security.
- 8 Ngai, *Impossible Subjects*.
- 9 Kitty Calavita, *Inside the State: The Bracero Program, Immigration, and the I.N.S.* (New York: Routledge, 1992).
- 10 Douglas S. Massey, "Only by Addressing the Realities of North American Economic Integration Can We Solve the Problem," *Boston Review* (May/June 2009), <http://bostonreview.net/BR34.3/ngai.php>; Douglas S. Massey and Karen A. Pren, "Unintended Consequences of U.S. Immigration Policy: Explaining the Post-1965 Surge from Latin America," *Population and Development Review* 38 (1) (2012): 1 – 29.
- 11 Bryan C. Baker, "Naturalization Rates among IRCA Immigrants: A 2009 Update" (Washington, D.C.: Office of Immigration Statistics, U.S. Department of Homeland Security, 2010); and Peter Brownell, "The Declining Enforcement of Employer Sanctions" (Washington, D.C.: Migration Policy Institute, 2005).
- 12 DeGenova, "Migrant 'Illegality' and Deportability in Everyday Life."
- 13 Angelo Ancheta, *Race, Rights, and the Asian American Experience* (New Brunswick, N.J.: Rutgers University Press, 1998).
- 14 Juliet Stumpf, "The Crimmigration Crisis: Immigrants, Crime, and Sovereign Power," *American University Law Review* 56 (2006): 367 – 419.
- 15 Robert Suro, "America's Views of Immigration: The Evidence from Public Opinion Surveys," in *Migration, Public Opinion, and Politics*, ed. Bertelsmann Stiftung and Migration Policy Institute (Washington, D.C.: Transatlantic Council on Migration, 2009), 52 – 76.
- 16 Jacqueline M. Hagan, Brianna Castro, and Nestor Rodriguez, "The Effects of U.S. Deportation Policies on Immigrant Families and Communities: Cross-Border Perspectives," *North Carolina Law Review* 88 (2010): 1800 – 1822.
- 17 U.S. Customs and Border Protection, "U.S. Border Patrol Fiscal Year Staffing Statistics, 1992 – 2011," December 12, 2011, http://www.cbp.gov/xp/cgov/border_security/border_patrol/usbp_statistics/usbp_fy11_stats/.
- 18 Jeffrey S. Passel and D'Vera Cohn, "Trends in Unauthorized Immigration: Undocumented Inflow Now Trails Legal Inflow" (Washington, D.C.: Pew Research Hispanic Center, 2008); and Woodrow and Passel, "Post-IRCA Undocumented Immigration to the United States."

- ¹⁹ Douglas S. Massey, Jorge Durand, and Nolan J. Malone, *Beyond Smoke and Mirrors: Mexican Immigration in an Era of Economic Integration* (New York: Russell Sage Foundation, 2002); and Belinda Reyes, Hans P. Johnson, and Richard Van Swearingen, *Holding the Line? The Effect of the Recent Border Build-up on Unauthorized Immigration* (San Francisco: Public Policy Institute of California, 2002).
- ²⁰ Xóchitl Bada, Jonathan Fox, Elvia Zazueta, and Ingrid Garcia, “Immigrant Marches Spring 2006,” Mexico Institute: Mexican Migrant Civic and Political Participation, Woodrow Wilson Center for International Scholars, 2006; Irene Bloemraad, Kim Voss, and Taeku Lee, “The Protests of 2006: What Were They, How Do We Understand Them, Where Do We Go?” in *Rallying for Immigrant Rights: The Fight for Inclusion in 21st Century America*, ed. Kim Voss and Irene Bloemraad (Berkeley: University of California Press, 2011), 3–43.
- ²¹ Lydia Saad, “Americans Value Both Aspects of Immigration Reform,” May 4, 2010, <http://www.gallup.com/poll/127649/americans-value-aspects-immigration-reform.aspx>; and Ruy Teixeira, “Public Opinion Snapshot: Comprehensive Immigration Reform and the Arizona Law” (Washington, D.C.: Center for American Progress, 2010).
- ²² National Conference of State Legislatures, “Immigrant Policy Project,” yearly reports for 2005–2011, <http://www.ncsl.org/default.aspx?tabid=19897>.
- ²³ S. Karthick Ramakrishnan and Tom Wong, “Partisanship, Not Spanish: Explaining Municipal Ordinances Affecting Undocumented Immigrants,” in *Taking Local Control: Immigration Policy Activism in U.S. Cities and States*, ed. Monica W. Varsanyi (Stanford, Calif.: Stanford University Press, 2010), 73–93.
- ²⁴ Els de Graauw, “Municipal Identification Cards: Intergovernmental Challenges over Undocumented Immigrants,” paper presented at the annual meeting of the Law and Society Association, Denver, Colorado, 2009; Ron Hayduk, *Democracy for All: Restoring Immigrant Voting Rights in the United States* (New York: Taylor & Francis, 2006); Pablo A. Mitnik and Jessica Halpern-Finnerty, “Immigration and Local Governments: Inclusionary Local Policies in the Era of State Rescaling,” in *Taking Local Control*, ed. Varsanyi, 51–72; Alejandra Rincón, *Undocumented Immigrants and Higher Education: Sí Se Puede!* (New York: LFB Scholarly Publishing, 2010); and Monica W. Varsanyi, “Interrogating ‘Urban Citizenship’ vis-à-vis Undocumented Migration,” *Citizenship Studies* 10 (2) (2006): 229–249.
- ²⁵ Varsanyi, ed., *Taking Local Control*.
- ²⁶ Alexander Aleinikoff, David A. Martin, and Hiroshi Motomura, *Immigration and Citizenship: Process and Policy* (St. Paul, Minn.: Thomson West, 2008).
- ²⁷ For example: *Garrett v. City of Escondido* (2006); *Vasquez v. City of Farmers Branch* (2006); *Lozano v. City of Hazleton* (2007); and *Reynolds v. City of Valley Park* (2007).
- ²⁸ The naturalization process in the United States, for instance, is financed by the fees immigrants pay to naturalize, which severely limits resources to support immigrant integration. Only a tiny fraction of the DHS budget—a few million dollars out of a budget of \$47 billion—is allocated to immigrant integration; see *FY 2012 Budget in Brief—U.S. Department of Homeland Security* (Washington, D.C.: U.S. Department of Homeland Security, 2011).
- ²⁹ U.S. Department of Homeland Security, “Yearbook of Immigration Statistics: 2010” (Washington, D.C.: Government Publications Office, 2011); and Bureau of Population, Refugees, and Migration, U.S. Department of State, “Worldwide Refugee Admissions Processing System (WRAPS), Fiscal Years 1980 to 2010” (Washington, D.C.: Government Publications Office, 2011).
- ³⁰ Irene Bloemraad and Els de Graauw, “Immigrant Integration and Policy in the United States: A Loosely Stitched Patchwork,” in *International Perspectives: Integration and Inclusion*, ed. James Frideres and John Biles (Kingston, Ontario: School of Policy Studies, Queen’s University Press, 2012), 205–232.
- ³¹ Raquel Aldana, “On Rights, Federal Citizenship, and the ‘Alien,’” *Washburn Law Journal* 46 (2007): 263–308; and Huyen Pham, “When Immigration Borders Move,” *Florida Law Review* 61 (5) (2009): 1115–1163.

- 32 Leo R. Chavez, *Shadowed Lives: Undocumented Immigrants in American Society* (Fort Worth, Tex.: Harcourt Brace Jovanovich College Publishers, 1992); Coutin, *Legalizing Moves*; DeGenova, "Migrant 'Illegality' and Deportability in Everyday Life"; Angela S. Garcia and David G. Keyes, "Life as an Undocumented Immigrant: How Restrictive Local Immigration Policies Affect Daily Life" (Washington, D.C.: Center for American Progress, 2012); Roberto G. Gonzales and Leo R. Chavez, "Awakening to a Nightmare: Abjectivity and Illegality in the Lives of Undocumented 1.5-Generation Latino Immigrants in the United States," *Current Anthropology* 53 (3) (2012): 255 – 281; and Cecilia Menjívar and Leisy J. Abrego, "Legal Violence: Immigration Law and the Lives of Central American Immigrants," *American Journal of Sociology* 117 (5) (2012): 1380 – 1421.
- 33 Shannon Gleeson, *Conflicting Commitments: The Politics of Enforcing Immigrant Worker Rights in San Jose and Houston* (Ithaca, N.Y.: Cornell University Press, 2012); and Rigel C. Oliveri, "Between a Rock and a Hard Place: Landlords, Latinos, Anti-Illegal Immigrant Ordinances, and Housing Discrimination," *Vanderbilt Law Review* 62 (1) (2009): 55 – 125.
- 34 Leisy J. Abrego, "Legal Consciousness of Undocumented Latinos: Fear and Stigma as Barriers to Claims-Making for First and 1.5-Generation Immigrants," *Law and Society Review* 45 (2) (2011): 337 – 369; Hagan et al., "The Effects of U.S. Deportation Policies on Immigrant Families and Communities"; and Hirokazu Yoshikawa, *Immigrants Raising Citizens: Undocumented Parents and Their Young Children* (New York: Russell Sage Foundation, 2012).
- 35 Jeffrey S. Passel and D'Vera Cohn, "A Portrait of Unauthorized Immigrants in the United States" (Washington, D.C.: Pew Research Hispanic Center, 2009).
- 36 John Biles, Meyer Burstein, and James Frideres, eds., *Immigration and Integration in Canada in the Twenty-first Century* (Kingston, Ontario: School of Policy Studies, Queen's University Press, 2008); and Will Kymlicka, *Finding Our Way: Rethinking Ethnocultural Relations in Canada* (Toronto: Oxford University Press, 1998).
- 37 Irene Bloemraad, "The Limits of de Tocqueville: How Government Facilitates Organizational Capacity in Newcomer Communities," *Journal of Ethnic and Migration Studies* 31 (5) (2005): 865 – 887; and Irene Bloemraad, *Becoming a Citizen: Incorporating Immigrants and Refugees in the United States and Canada* (Berkeley: University of California Press, 2006).
- 38 Cecilia Menjívar, "Liminal Legality: Salvadoran and Guatemalan Immigrants' Lives in the United States," *American Journal of Sociology* 111 (4) (2006): 999 – 1037; Georges Tapinos, "Irregular Migration: Economic and Political Issues," in *Combating the Illegal Employment of Foreign Workers* (Paris: Organisation for Economic Co-operation and Development, 2000), 13 – 44; and Joanne van der Leun, *Looking for Loopholes: Processes of Incorporation of Illegal Immigrants in the Netherlands* (Amsterdam: Amsterdam University Press, 2003).
- 39 *Modes of Entry for the Unauthorized Migrant Population* (Washington, D.C.: Pew Research Hispanic Center, 2006).
- 40 Xia Wang, "Undocumented Immigrants as Perceived Criminal Threat: A Test of the Minority Threat Perspective," *Criminology* 50 (3) (2012): 743 – 776.
- 41 Abrego, "Legal Consciousness of Undocumented Latinos"; and Roberto G. Gonzales, "Learning to Be Illegal: Undocumented Youth and Shifting Legal Contexts in the Transition to Adulthood," *American Sociological Review* 76 (4) (2011): 602 – 619.
- 42 Menjívar, "Liminal Legality."
- 43 Guillermina Jasso, Douglas S. Massey, Mark R. Rosenzweig, and James R. Smith, "From Illegal to Legal: Estimating Previous Illegal Experience among New Legal Immigrants to the United States," *International Migration Review* 42 (4) (2008): 803 – 843.
- 44 Leo R. Chavez, "Outside the Imagined Community: Undocumented Settlers and Experiences of Incorporation," *American Ethnologist* 18 (2) (1991): 257 – 278.
- 45 *Plyler v. Doe*, 457 U.S. 202 (1982).

- 46 Joseph H. Carens, "On Belonging," *Boston Review* (Summer 2005), <http://www.bostonreview.net/BR30.3/carens.html>; Joseph H. Carens, "The Case for Amnesty," *Boston Review* (May/June 2009), http://bostonreview.net/BR34.3/ndf_immigration.php; and Hiroshi Motomura, "Who Belongs?: Immigration Outside the Law and the Idea of Americans in Waiting," *University of California-Irvine Law Review* 2 (1) (2012): 359 – 379.
- 47 Saskia Sassen, *Globalization and Its Discontents: Essays on the New Mobility of People and Money* (New York: New Press, 1998).
- 48 Motomura, "Who Belongs?" 376.
- 49 DeGenova, "Migrant 'Illegality' and Deportability in Everyday Life"; and David Miller, *National Responsibility and Global Justice* (Oxford: Oxford University Press, 2007).
- 50 William Perez and Daniel Solorzano, *We Are Americans: Undocumented Students Pursuing the American Dream* (Sterling, Va.: Stylus Publishing, 2009).
- 51 Scholars who argue that attachments to U.S. society create grounds for full membership often discuss undocumented immigrants who, other than their violation of immigration laws, have been law-abiding residents of the United States. We leave open the question whether "hard cases" involving undocumented immigrants with serious criminal records can make claims to full membership in the United States based on their attachments to U.S. society. See Rainer Bauböck, "Reinventing Urban Citizenship," *Citizenship Studies* 7 (2) (2003): 139 – 160; Luis Guarnizo and Michael Peter Smith, "Global Mobility, Shifting Borders, and Urban Citizenship," *Tijdschrift voor economische en sociale geografie* (Journal of Economic and Social Geography) 100 (5) (2009): 610 – 622; and Michael Peter Smith and Michael McQuarrie, eds., *Remaking Urban Citizenship: Organizations, Institutions, and the Right to the City* (New Brunswick, N.J.: Transaction Publishers, 2012).
- 52 See Joaquín Arango and Maia Jachimowicz, "Regularizing Immigrants in Spain: A New Approach" (Washington, D.C.: Migration Policy Institute, 2005).
- 53 Alexander Aleinikoff, "Legalization Has Its Costs, but They Are Outweighed by the Benefits; Pragmatic Arguments May, in the End, Be the Most Persuasive," *Boston Review* (May/June 2009), <http://bostonreview.net/BR34.3/aleinikoff.php>; Migration Policy Institute, "New Concepts in Regularization: Earned Legalization," 2005, <http://www.migrationpolicy.org/newconcepts.php>; Demetrios G. Papademetriou and Migration Policy Institute, "The 'Regularization' Option in Managing Illegal Migration More Effectively: A Comparative Perspective," *MPI Policy Brief* (4) (September 2005), http://www.migrationpolicy.org/pubs/PolicyBrief_No4_Sept05.pdf; and Aspasia Papadopoulou, "Regularization Programmes: An Effective Instrument of Migration Policy?" *Global Migration Perspectives* 33 (May 2005), <http://www.unhcr.org/refworld/publisher,GCIM,,,42ce542a4,0.html>.
- 54 Ngai, *Impossible Subjects*, 59 – 60.
- 55 Motomura, "Who Belongs?"
- 56 Ngai, *Impossible Subjects*, 86 – 90.
- 57 Aleinikoff, "Legalization Has Its Costs."
- 58 John Morton, "Exercising Prosecutorial Discretion Consistent with the Civil Immigration Enforcement Priorities of the Agency for Apprehension, Detention and Removal of Aliens" (Washington, D.C.: U.S. Immigration and Customs Enforcement, June 17, 2011), <http://www.ice.gov/doclib/secure-communities/pdf/prosecutorial-discretion-memo.pdf>.

The Criminalization of Immigrants & the Immigration-Industrial Complex

Karen Manges Douglas & Rogelio Sáenz

Abstract: Over the last few decades, and particularly after 9/11, we have witnessed the increasing criminalization of immigrants in the United States. Changing policies have subjected immigrants to intensified apprehension and detention programs. This essay provides an overview of the context and policies that have produced the rising criminalization of immigrants. We draw on the institutional theory of migration to understand the business of detention centers and the construction of the immigration-industrial complex. We link government contracts and private corporations in the formation of the immigration-industrial complex, highlighting the increasing profits that private corporations are making through the detention of immigrants. We conclude with a discussion of how the privatization of detention centers is part of a larger trend in which basic functions of societal institutions are being farmed out to private corporations with little consideration for basic human rights.

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Though the path of the immigrant in the United States has never been easy, the costs of being an undocumented immigrant are higher today than ever before. Not only is the always-risky journey into the United States much more treacherous now than it was in the past, but blending in once here is becoming increasingly difficult. The attitude of U.S. natives toward undocumented immigrants (particularly if they are from Latin American countries) is increasingly hostile and inhospitable. Even gainful employment offers little insulation from the rabid xenophobia that has engulfed some segments of the U.S. population in the post-9/11 era. Immigration and Customs Enforcement (ICE) officials have raided and rounded up people who, but for their lack of documentation, would be viewed no differently from the millions of hard-working Americans trying to make a living for themselves and their families. They are seized from their workplaces, shackled, and hauled off to detention centers – jails and prisons – where they

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are thrown into a shadow world with few protected human and legal rights. Despite numerous media accounts describing the deplorable conditions of the detention centers and the inhumane treatment of the detainees, the bureaucrats in charge seem indifferent, as does the larger public to whom they must answer. Few seem even to be asking questions.

The criminalization of undocumented immigrants has been heightened by the establishment and endorsement of punitive actions – both individual-based and government-sponsored – against undocumented groups and those who assist them. Furthermore, prisons are being rapidly erected to detain more inclusive segments of the undocumented immigrant population. Several detention centers have recently been constructed and designated to house immigrant families; and perhaps still operating under the framing of youths as “super predators,” an image that dominated criminal justice thinking during the 1980s and 1990s, undocumented juvenile immigrants are not exempt from this immigration-industrial complex.¹

The contracts that link government, which supplies immigrant detainees to prison facilities, with the private industry responsible for building, maintaining, and administering such prisons signal the emergence of a new type of prison-industrial complex. This essay identifies this trend as part of a larger privatization movement in the United States and around the world. Broadly, this movement is characterized by the dominance of market liberalization and the transition from a market economy to a market society; the fracturing of U.S. society; the death of the liberal class; “winner take all” politics that have redistributed resources upward; and the reestablishment of Jim Crow-like policies in the criminal justice system that ensnare poor and vulnerable populations, including immigrants, in their web.²

How has a nation once perceived as a beacon of democracy and justice evolved to grossly abuse these very principles? This essay seeks to answer that question by first describing the rising detention rate of immigrants and illustrating the context in which this growth has occurred. Toward this end, we provide an overview of the policies and the environment that have helped criminalize immigrants. Next, we draw on the institutional theory of migration to understand the ascension of the business of detention centers. We draw links between government contracts and private corporations in the formation of the immigration-industrial complex, while highlighting the increasing profits that private corporations are making through the detention of immigrants. And we conclude with a discussion about how the privatization of detention centers is part of a larger trend in which basic functions of societal institutions are being farmed out to private corporations with little consideration for basic human rights.

As many scholars have detailed, the recent demonization of immigrants is nothing new.³ Anxiety over the immigrant “other” – the alien – is an enduring characteristic of the American experience. So, too, are efforts to exclude those deemed “undesirable” (historically, poor people and people of color) from immigrating to the United States. For example, beginning in 1790, immigration laws restricted naturalization to those designated as white, while those deemed “likely to become a public charge” (LPCs) were barred from entry. Dual mechanisms accomplished these mandates. Restrictions based on race and other characterizing features targeted specific groups (for example, anarchists, prostitutes, contract laborers, illiterates, and LPCs) and banned them from entry into the United States. At the

same time, deportation policies sought to eliminate undesirables already in residence. While the racial restrictions were ostensibly eliminated in 1952, the 150 preceding years of de jure racial exclusion were not inconsequential in shaping the racial and socioeconomic landscape of the United States. Tellingly, the LPC clause, indicative of the United States' discomfort with poor people, has remained a policy fixture. Indeed, the perceived threat of LPCs was the rationale for the roundup and deportation (known as repatriation) of thousands of Mexicans – citizens and non-citizens alike – during the 1930s.

The plenary power doctrine, established by the U.S. Supreme Court during the era of Chinese exclusion in the nineteenth century, undergirds all immigration law. In establishing this doctrine, the Supreme Court assumed that immigrants posed a threat of foreign invasion, and thus linked immigration control with the state's authority to wage war.⁴ The Supreme Court conferred on Congress the plenary power to regulate all matters of immigration, stating that "aliens enter and remain in the United States only with 'license, permission, and sufferance of Congress.'"⁵

Congress sought to deal with the undocumented Chinese through deportation. In 1892, Congress passed the Geary Act, which authorized the expulsion of Chinese immigrants in the country unlawfully. Although it was challenged, the U.S. Supreme Court upheld the legislation (and the plenary power of the legislative branch), finding that "the right to exclude or expel aliens, or any class of aliens, absolutely or upon certain conditions, in war or in peace, is an inherent and inalienable right of every sovereign nation."⁶ Presciently, in his dissent in *Fong Yue Ting v. United States* (1893), Supreme Court Justice David Josiah Brewer noted that while this particular case targeted

the "obnoxious Chinese," "if the power exists, who shall say it will not be exercised tomorrow against other classes and other people?"⁷

Justice Brewer's concerns were warranted. The Johnson-Reed Act of 1924 (also known as the Immigration Act of 1924) significantly curtailed immigration from Southern and Eastern Europe and banned outright immigration from countries with nonwhite populations, arguing that these classes of people were racially ineligible for citizenship. While the Immigration Act of 1924 did not subject immigrants from the Western Hemisphere (including Mexicans and Canadians) to quotas, administrative provisions were developed to address their migration. The act created foreign consular offices to issue visas for entry into the United States and reconstituted the Border Patrol, which was charged with securing what had historically been an open border.⁸ Ironically, immigrants need not have actually broken a law to have found themselves on the wrong side of it. It is estimated that upwards of 1.4 million people who had entered the United States legally before 1921 were abruptly classified as lawbreakers through this policy change.⁹

With the Border Patrol reinvigorated, securing the southern border between the United States and Mexico took primacy over policing the northern border with Canada. This was partly due to the fact that the most popular route into the United States for illegal European and Asian immigrants who could not pass the literacy requirements, had passport difficulties, or were excluded due to quota restrictions was through Mexico. With means established for Europeans to circumvent quota restrictions, and the resultant decline in illegal European entry through Mexico, attention increasingly turned to the flow of Mexicans. In 1921,

new immigration policy reversed the Mexican exemption from literacy tests and head taxes.¹⁰ In addition to pre-screening to acquire a visa (and the attendant fee), Mexicans, like all potential immigrants, had to pass a literacy test and prove they were not likely to become a public charge upon reaching the United States. Once at the border, legal immigrants faced a head tax, degrading medical inspections, delousing fogs, forced bathing, and interrogations.

These onerous and offensive policies compelled many immigrants to bypass these border checkpoints and cross into the United States without proper inspection.¹¹ By 1929, unauthorized entry into the United States was itself declared illegal. With the incidence of border-crossing without inspection on the rise, the process of ridding the nation of these “criminals” ensued. The number of immigrants expelled from the United States rose from 2,762 in 1920 to 38,796 by the end of the decade. “Alien without proper visa” became the single largest explanation for deportation.¹²

The relationship between U.S. agriculture and Mexican labor is a source of long-standing tension in the United States. Immigration policies and procedures have schizophrenically vacillated between accommodating labor needs and quelling nativist fears of being overtaken by Mexico. Immigration policies and procedures directed at Mexicans grew especially punitive during the Depression era of the 1930s, culminating in the wholesale removal of Mexicans from the United States, irrespective of citizenship status. Indeed, as historian Mae N. Ngai has written, “the repatriation of Mexicans was a racial expulsion program exceeded in scale only by the Native American Indian removal of the nineteenth century.”¹³ Then, as now, few protested the legality of these removals.

The outbreak of World War II created domestic labor shortages. The Bracero Program – a bilateral guest worker program between the United States and Mexico that temporarily allowed contract Mexican labor to work in U.S. agriculture – was instituted to address these shortages. It was expected that a guest worker program would stem undocumented Mexican immigration. Lasting from 1942 until 1964, the Bracero Program provided more than 4.5 million individual contracts for temporary employment.¹⁴ However, with the same onerous conditions for legal entry into the United States, the Bracero Program, rather than stem undocumented immigration, encouraged it instead. Many braceros, once in the United States, simply did not return to Mexico when their contract expired.¹⁵

Responding to the concerns generated by the unanticipated rise in undocumented immigration from Mexico, the Eisenhower administration approved “Operation Wetback,” which increased apprehensions of undocumented Mexican immigrants. Concomitantly, yielding to pressure from farmers and ranchers critical of the procedural requirements for securing braceros, Border Patrol officials sometimes engaged in a perverse bait and switch: apprehending undocumented border crossers and releasing them in Mexico, only to then escort them back into the United States as legal braceros. In some instances, officials paroled former undocumented immigrants directly to U.S. employers.¹⁶

But encouraging, even abetting, Mexican labor migration amidst growing anti-Mexican sentiment proved untenable for border authorities. The pressures of an increasing Mexican presence in the United States, the embarrassment from the exposure of the deplorable working conditions of braceros in the national television broadcast documentary *Harvest of Shame*, and labor union opposition coa-

lesced to formally end the Bracero Program in 1964 after twenty-two years of operation.¹⁷ The institutionalization of the Bracero Program was not without repercussions, however. Not only had the program failed to stem undocumented immigration from Mexico, but with visas scarce, the Bracero Program had actually encouraged it by offering relatively easy entry for Mexican laborers. (U.S. employers bore the onus of documentation.)

In the end, the Bracero Program cemented the relationship between U.S. employers and the relatively cheap labor supply provided by Mexican workers. Thus, while the program officially ended in 1964, the decades that followed demonstrated a growing U.S. presence of former braceros and other undocumented migrants, creating a migratory social network to support and encourage future migrants from Mexico. The legal status of Mexican workers was the only significant shift that resulted from the formal end of the program. Impunity for their hiring, coupled with a pliable, vulnerable cheap supply of labor, engendered continued support from U.S. employers for Mexican workers. The formal Bracero Program was simply replaced by an informal and unsanctioned labor program.¹⁸

The criminalization of immigrants, ushered in by the 1882 Chinese Exclusion Act, continued – indeed, escalated – throughout the twentieth century. At the dawn of the twenty-first century, the United States was once again characterized by anti-immigrant, or more specifically, anti-Latino, sentiment. And once again, the consequence has been an increase in punitive policies intended to “stop the invasion” occurring at the southern border. As political scientist Peter Andreas has described it:

On both sides of the U.S.-Mexico borderline, escalation has translated into tougher

laws, rising budgets and agency growth, the deployment of more sophisticated equipment and surveillance technologies, and a growing fusion between law enforcement and national security institutions and missions.¹⁹

And as a result, border policing has risen to unprecedented heights.

This intensified policing is the product of the policies and procedures of the past, as well as a new set of protocols that have increasingly criminalized people of color, both citizen and immigrant, albeit to differing degrees. The development of special commerce zones between the United States and Mexico during the 1960s, President Nixon’s declaration of a war on drugs in the 1970s, the perverse consequences of the 1986 Immigration Reform and Control Act (IRCA), the passage of the North American Free Trade Agreement (NAFTA), the terrorist bombings of the World Trade Center and Oklahoma City in the 1990s, and especially the terrorist events of September 11, 2001, have combined to expose the U.S.-Mexico border region to unprecedented scrutiny. As a result, a mass of federal and state initiatives have taken criminalization of immigrants to stratospheric levels.

The Immigration and Nationality Act of 1965 (INA) eliminated the much maligned national-origins quota system; while the new policies prioritized family reunification, the overall intention was to maintain immigration at roughly the same levels as during the forty years the quota system was in place.²⁰ Additionally, the INA imposed for the first time a limit of 120,000 immigrants from Western Hemisphere countries. These dual immigration policies – a ceiling of 170,000 per year from Eastern Hemisphere countries, and 120,000 per year from Western Hemisphere countries – lasted until 1976, when they were replaced by a 20,000 visas per

country cap for both Eastern and Western Hemisphere countries.²¹ While immediate family members were not subject to these numerical restrictions, immigration from Mexico already exceeded 20,000 when the ceiling was established. Thus, the INA spurred undocumented immigration rather than deterred it. Andreas has succinctly summarized the situation: “as the front door of legal entry became more regulated, the backdoor of illegal entry became more attractive.”²²

Passage of IRCA in 1986 did little to halt undocumented immigration from Mexico and other Latin American countries. In theory, IRCA sanctioned employers for knowingly hiring undocumented migrants, forced them to verify the identity and status of employees via the I-9 form, and expanded the Border Patrol. But weak economies and civil unrest in Latin America, combined with lax enforcement of employer sanctions, propelled undocumented migration through the latter part of the twentieth century. At best, the employer verification provision prompted a thriving black market for fake documents needed to satisfy the I-9 requirements for employment.²³ IRCA also offered a legal avenue for naturalization for undocumented migrants who could prove continuous residency for a specified period of time, and millions of migrants took the opportunity to legalize.

Terrorist attacks, politics, and the economy joined forces in the 1990s to escalate anti-immigrant sentiment and lay the groundwork for more stringent immigration policies.²⁴ The bombing of the World Trade Center in February 1993 provided both the impetus and purpose for President Clinton to address immigration during his first term in office. While no Mexicans were involved in the 1993 bombing, U.S.-Mexico border policies were incorporated into broader terrorism-focused initiatives. President Clinton introduced

his new immigration policy on July 27, 1993, explaining, “I asked the Vice President to work with our departments and agencies to examine what more might be done about the problems along our borders. I was especially concerned about the growing problems of alien smuggling and international terrorists hiding behind immigrant status, as well as the continuing flow of illegal immigrants across American borders.”²⁵

While President Clinton did not single out the southern U.S. border, most of the allocated federal resources were devoted to hardening the U.S.-Mexico border. Between 1993 and 1999, the INS budget tripled, from \$1.5 billion to \$4.2 billion. The stated goal of the militarization of the southern U.S. border with Mexico was *prevention through deterrence*: to make the border-crossing so difficult that would-be immigrants were deterred from their initial efforts. In addition to funding more Border Patrol agents, the Clinton administration authorized the infusion of high-tech military equipment, including magnetic footfall detectors and infrared body sensors, along the U.S.-Mexico border.²⁶

Politics and economics combined with maximum effect in California Governor Pete Wilson’s 1994 reelection campaign. Under a backdrop of what border officials dubbed “Banzai runs” – groups of fifty undocumented migrants running en masse across the border, weaving into and out of traffic – Wilson declared undocumented immigrants enemy combatant no. 1 and waged a war that bred copycat anti-immigrant legislation across the country. He fired his first salvo with a political campaign advertisement in which he declared that he was “suing the federal government to control the border” and “working to deny state services to illegal immigrants.”²⁷ The tough anti-immigrant rhetoric galvanized his reelection campaign and he won handily.

Wilson fired his second round with Proposition 187, making good on his campaign promise to deny state services to illegal immigrants. In a referendum before California voters, the measure passed by a three-to-two margin.²⁸ Although Proposition 187 was ultimately struck down by the U.S. Supreme Court, the idea of undocumented immigrants as a drain on the economy sparked a new wave of anti-immigrant sentiment that had already been simmering near the surface. In 1996 alone, more than 500 anti-immigrant state-level bills were introduced across the United States (37 in Arizona alone). By 1997, the number had tripled to 1,562.²⁹

Building on the immigration reforms of 1993, and working in tandem with welfare reform, President Clinton in 1996 signed the Anti-Terrorism and Effective Death Penalty Act (AEDPA) and the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA). These new pieces of legislation revised the denial and/or deportation provisions for every class of immigrant. In most instances, the limited rights held by aliens were further constrained, while the power of the immigration enforcement branch of the Immigration and Naturalization Service (INS; now Immigration and Customs Enforcement) was strengthened.

Cumulatively, these policies imbued the INS with the power to arrest, detain, and deport unauthorized immigrants while significantly curtailing, and in certain circumstances eliminating, immigrant rights to appeal the decisions. AEDPA declared that “any final order of deportation against an alien who is deportable by reason of having committed” any of a long list of criminal offenses “shall not be subject to review by any court.”³⁰ The new law also significantly expanded the definition of criminal grounds for removal from the United States to include crimes

that may be classified as misdemeanors in state courts. What is more, the law considered offenses retroactively, meaning that past convictions could be used as a basis for deportation.³¹

The complementary IIRIRA, meanwhile, authorized the construction of a fourteen-mile fence along the U.S.-Mexico border; doubled the force of border patrol agents; allowed for summary exclusion of immigrants (for example, immigration officials were granted the authority to summarily deport individuals apprehended within one hundred miles of the border); expanded the grounds for deportation; reduced the allowable documents to satisfy I-9 requirements; and prohibited legal immigrants from federal welfare provisions for the first five years of their U.S. residency.³² In what would become a boon to private prison companies, legislative changes also “required the detention of all immigrants, including permanent residents, facing deportation for most criminal violations until the final resolution of the case.”³³

The “likely to become a public charge” clause, a mainstay in immigration policy, was also strengthened in the 1996 legislation. The legislation required that a family-sponsored visa applicant be denied unless the sponsoring family member in the United States submits an affidavit that stipulates that the sponsor agrees to: 1) support (and maintain support of) the applicant at an annual income of not less than 125 percent of the federal poverty guideline for ten years and/or until the applicant has become a U.S. citizen (using the 2011 poverty line data and assuming a two-person household, this figure is \$18,387 or greater); 2) be held liable to the sponsored immigrant, the federal government, any state, or any other entity that provides means-tested public support; and 3) be under the control of any federal or state court.³⁴

Significantly, IIRIRA built a partnership between federal immigration authorities and local and state law enforcement officials. Section 287(g) of IIRIRA authorized immigration officials to sign a memorandum of agreement (MOA) with local and state law enforcement officials that designated officers to perform immigration law enforcement functions.³⁵ Although little used at the time of its crafting, the 287(g) program allowed state and local police to make immigration arrests on behalf of federal authorities. Exercise of this provision began in earnest in 2004. Indeed, it has become a major tool in the law enforcement arsenal, enabling officers to racially profile, arrest, detain, and deport record numbers of undocumented immigrants.

The blurring of immigration and criminal laws reached a new apex after the terrorist attacks of September 11, 2001. Within a month after the attacks, President George W. Bush established the Department of Homeland Security through executive order. And on October 26, 2001, he signed into law the USA PATRIOT (Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism) Act of 2001, which dramatically revamped the security and immigration road map of the United States.³⁶

The PATRIOT Act significantly increased the budget for immigration enforcement and tripled the number of Border Patrol agents on the northern border.³⁷ More so than even the 1996 immigration legislation, the PATRIOT Act expanded the government's ability to detain and deport terrorists, however defined. In a demonstration of these newly expanded powers, the government instituted a "Special Registration" program in November 2002. This racially targeted effort required men aged 16 to 45 from Arab and Muslim countries in residence in the United

States to register with the Department of Homeland Security and answer questions. Failure to comply could have resulted in deportation. Further, the government required notification of foreign travel by the registrant, and even restricted future travels to select ports of departure. This program led to the detention of 1,834 registrants and 13,000 deportation proceedings. Ultimately, no criminal charges for terrorism were filed against any of the more than 18,000 registrants.³⁸ Amid a flurry of accusations of racial profiling, the program ended in May 2003.

Immigrant detention has grown dramatically since 2006, when the U.S. Office of Homeland Security shifted its policy from "catch and release" to "catch and detain" in the case of apprehended non-Mexican immigrants. This change in policy thereby placed *all* immigrants in the category (catch and detain) that had previously included only Mexican immigrants. As in the case of the post-9/11 policies that infringed many basic rights and liberties of the American people, new policies regarding the detention of immigrants and the development of machinery to house detainees occurred in the shroud of secrecy, with little knowledge from the general public.

Equally alarming is the increasing use of criminal prosecution for immigration offenses that have historically been handled administratively. In 2008, for example, ICE raided a food processing plant in Postville, Iowa, criminally charging 305 detainees with some combination of aggravated identity theft, social security fraud, and/or illegal reentry into the United States. Almost all those detained accepted the plea deal offered to them by federal prosecutors, in which prosecutors agreed to drop the most serious charge of aggravated identity theft and waive court fees in exchange for a five-month sentence and an order of judicial removal. As

a consequence of these sentences, the detainees were precluded from ever becoming legal permanent residents or citizens of the United States.³⁹

Beginning in earnest during the 1920s, the continual hardening of the U.S.-Mexico border has had many negative consequences for migrants trying to reach the United States. For migrants whose family members live in the United States but are undocumented, the legal avenues for entry have become long and tortuous, with an average wait of sixteen years before an application is even considered. And most visas for entry to the United States are issued to skilled workers, often at the expense of laborers from Latin America, further obstructing the path to legal entry for those without a U.S. citizen sponsor.⁴⁰

The militarization of the U.S.-Mexico border has made the border-crossing much more dangerous, and undocumented migrants often hire agents to assist them in the journey. And as the border has hardened, so, too, have the fees these agents charge, often resulting in a form of indentured servitude for labor migrants.⁴¹ The U.S. labor market itself has been characterized as a *Juan Crow* caste system that locks undocumented and largely Latino labor into low-wage, exploitative working conditions with limited avenues for recourse. Even so, most migrants willingly submit to degrading work conditions even with the constant threat of workplace raids, racial profiling, discrimination, and deportation. Civil rights lawyer Michelle Alexander has persuasively argued that the criminal justice system is the reconstituted Jim Crow for young African American men.⁴² Legal scholars Kevin Johnson and Bernard Trujillo have extended this argument to Latinos, reasoning that the immigration system, in tandem with the *Juan Crow* caste labor market, has created a new Latino under-

class.⁴³ And as is the case with black men in the new Jim Crow, imprisoned/detained Latinos are increasingly locked away in for-profit, private prisons/detention centers, the growth and proliferation of which has marched lockstep with the hardening of the U.S.-Mexico border.

The growth in immigrant detention did not occur in a vacuum, but rather alongside and in response to social, economic, and political changes that facilitated its development. Economic downturns have historically bred anti-immigrant sentiment, and in the past thirty years, the United States has been characterized by growing inequality. Coupled with governmental devolution of programs designed to assist individuals in times of crisis, this growing inequality is a recipe for social anxiety and anti-immigrant sentiment. Victims of this devolution include the usual working-class suspects. As political scientist Jacob Hacker has described, the transference of economic risks from government and corporations to workers and their families has exposed the middle class to the harshest aspects of an economic downturn.⁴⁴ Recently, teachers, policemen, and firemen (particularly if represented by a union) have found themselves in the crosshairs of federal, state, and local budget cuts. American workers have felt besieged.

The historical record shows that during periods of economic downturn and uncertainty, immigrants make convenient scapegoats, blamed for a host of societal ills. As psychologists Priscila Diaz, Delia Saenz, and Virginia Kwan have explained: “there is a pattern in U.S. history in which presence of economic competition is associated with greater negativity toward certain groups, even when immigration is not relevant. . . . Similarly, anti-immigrant sentiment and extreme immigration policy may arise from the desire

to blame outsiders for poor economic conditions.”⁴⁵ Just as low-income women were blamed in the 1980s for not taking personal responsibility for their own economic welfare, so, too, have immigrants been blamed for irresponsibly draining scarce economic resources intended only for citizens.

Some of the strongest anti-immigrant legislation dates to the relatively robust economy of the 1990s. Despite the optimism surrounding this prosperity, terrorist attacks on the World Trade Center and Oklahoma City left Americans feeling vulnerable, prompting political action that resulted in militarized zones along the U.S.-Mexico border and draconian immigration policies. Social activist Naomi Klein’s book *Shock Doctrine: The Rise of Disaster Capitalism* offers an analogy for understanding the drastic shifts the country took after the terrorist bombings in 1993, and even more so post-9/11. Klein uses psychological shock as an analogy to illustrate the initial shock that many countries around the world have experienced over the course of the last four decades in the face of calamitous “wars, terror attacks, coups d’état and natural disasters.”⁴⁶ These initial shocks numb the populace, inducing anomie.⁴⁷ As the shock spreads through the population, the traditional ways, regulations, and customs of the society no longer prevail. Citizens enter survival mode, with the principal goal of perseverance. It is in this context of societal numbness that corporations and politicians attempt to subject the populace to severe and punitive economic and political shocks. Klein argues that corporations and politicians “exploit the fear and disorientation of [the] first shock to push through economic shock therapy.”⁴⁸ Thus, policies that under normal conditions would not be tolerated are easily imposed on the population without any – or at best, with minimum – opposition.

The series of terrorist attacks that began in 1993 and culminated on the morning of September 11, 2001, no doubt, shocked the nation. The nation experienced a collective numbness in the face of such an unprecedented terrorist attack on its own soil. Media commentators argued that September 11 would mark a watershed in the history of the nation. While the nation mourned in a dazed state, Congress and the Bush administration quickly implemented drastic legislative changes in the name of protecting Americans from terrorism. In short order, Americans lost many of the rights and freedoms – such as privacy and civil liberties – that they had long enjoyed in peacetime. The PATRIOT Act passed through Congress swiftly and with overwhelming support, with many Americans truly unaware of the rights and civil liberties that they were surrendering. Notably, the indefinite detention of immigrants, even those not considered to be terrorists, is among the litany of provisions of the PATRIOT Act.

Consequently, amidst federal, state, and local budget contractions, the criminal justice industry was an exception to the rule of devolution. With an expanded scope and seemingly unlimited budget – the result of a stunned populace and an opportunistic administration – the security industry was overhauled. Existing facilities to house immigrant detainees were quickly stretched beyond their limits. Significantly, the private sector seized the opportunity to build new detention centers, operate them, and provide provisions for them. A steady flow of undocumented immigrants into the United States coupled with a sizable undocumented population already resident in the country offered private prison entrepreneurs an ideal growth market: vilified “illegal aliens” who possessed limited rights thanks to the plenary power doc-

trine and a hostile public wanting assurance that something was being done about the threat of terror and the “immigration problem.”

Sociologist Douglas Massey and his colleagues have provided an inventory of the theoretical perspectives that account for international migration.⁴⁹ The most common of these perspectives are based on how economic forces and labor markets influence the flow of people across international boundaries as well as how social networks facilitate and sustain international migration. The institutional theory of migration is a relatively new perspective for understanding international migration.⁵⁰ This theory focuses on the institutions and organizations that emerge once international migration is set in motion to “satisfy the demand created by an imbalance between the large number of people who seek entry into capital-rich countries and the limited number of immigrant visas these countries typically offer.”⁵¹ The institutional theory of migration emphasizes the underground markets that emerge to assist migrants in overcoming obstacles erected to keep them out of capital-rich countries, in addition to voluntary humanitarian organizations that press for the protection of undocumented immigrants and their human rights.

A variety of underground economic markets have blossomed to facilitate migration in the face of the barriers erected to deter it. These include, for example, business ventures related to human smugglers (*coyotes* help bring Mexicans and other Latin Americans into the United States; *snakeheads* help smuggle in Chinese migrants); fraudulent documents such as social security cards, birth certificates, visas, and passports; labor contracts; and arranged marriages between undocumented migrants and citizens.

Entrepreneurs gain handsomely through their provision of services to migrants who attempt to gain entry into the United States and obtain the documents required to work and access resources here.

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While the institutional theory of migration has helped us understand how institutions and organizations emerge to support international migration, it was narrowly conceived. The perspective focuses on underground market economic endeavors and on the institutions and organizations that facilitate the movement of people into capital-rich countries. The perspective must be broadened to understand how “aboveboard” state-supported business ventures have emerged to apprehend, detain, and deport migrants as a means of discouraging people from migrating to the United States. In this case, it is not underground entrepreneurs but corporations that, through contracts with ICE, establish or extend their business ventures to house immigrant detainees. The profits reaped by these businesses in the fight against international migration dwarf those garnered in the underground economy. Further, corporations in the business of immigrant detention centers do not have the legal risks that their counterparts in the underground economy face.

The prison-industrial complex is a derivative of the military-industrial complex, as conceived by President Eisenhower in his 1961 Farewell Address.⁵² Social scientist Tanya Golash-Boza has noted that the military-industrial complex reflects the “close relationships between the corporate elite, bureaucrats, and politicians, and these actors work together to ensure that state military investments serve the interests of capital.”⁵³ The military-industrial complex emerged and is sustained by the element of fear and the profits gained by corporate, governmental, and military actors. In particular, the arms

buildup was justified by the fear of Communism, as well as the powerful entities – in the form of the corporate elite, government bureaucrats, and the military hierarchy – who benefited economically and politically from the ceaseless buildup of the military machinery.⁵⁴

Analyses linking the prison system to the military-industrial complex began to emerge in the 1980s. Scholar Mike Davis described the context in which California established a prison-industrial complex:

California has the third-largest penal system in the world, following China and the United States as a whole: 125,842 prisoners at last official count. Over the past decade, the state has built Calipatria, located 220 miles southeast of L.A., and fifteen other new prisons – at a cost of \$10 billion (interest included). An emergent ‘prison-industrial complex’ increasingly rivals agribusiness as the dominant force in the life of rural California and competes with land developers as the chief seducer of legislators in Sacramento. It has become a monster that threatens to overpower and devour its creators, and its uncontrollable growth ought to rattle a national consciousness now complacent at the thought of a permanent prison class.⁵⁵

These ideas were expanded beyond California by activist and writer Angela Davis as well as by journalist Eric Schlosser, who has defined the prison-industrial complex as “a set of bureaucratic, political, and economic interests that encourage increased spending on imprisonment, regardless of the actual need.” Schlosser has added that the prison-industrial complex represents a “confluence of special interests that has given prison construction in the United States a seemingly unstoppable momentum.”⁵⁶ Alongside new get-tough policies (for example, longer sentences, mandatory minimums, felonizing drug offenses, and “three strikes

and you’re out”), changes in drug policies in the mid-1980s resulted in a tremendous growth of the prison population and in the construction of new prisons to house inmates.⁵⁷ In this context, the demography of the prison population shifted from predominantly white prisoners to African American and Latino prisoners.

Golash-Boza has isolated three defining features of the prison-industrial complex: a rhetoric of fear; the confluence of powerful interests; and a discourse of other-ization.⁵⁸ The rhetoric of fear in the prison-industrial complex is focused on the at-large criminal in society. The confluence of powerful interests includes people in the government, corporate, and criminal justice sectors who gain economically and politically through mass incarceration. Private prison corporations, such as Corrections Corporation of America and the GEO Group Inc. (formerly a division of the Wackenhut Corporation), especially benefit from well-placed connections in the government and criminal justice sectors. Finally, the discourse of other-ization focuses the fear of the criminal on black men and, increasingly, on Latino men.

Beginning in the early 1980s, the Reagan administration pressed for the outsourcing of many government functions to the private sector. President Reagan argued that the free market would enhance competition and consequently promote better quality service and greater efficiency. Changes in U.S. drug and immigration policy, as well as a variety of “push” factors in Latin American states, necessitated increased space for the imprisonment of detainees, leading the way for the growth of the private incarceration sector. For example, during the early 1980s, the U.S. government denied the majority of political asylum petitions of Central Americans fleeing the violence

associated with U.S.-backed wars in Guatemala, El Salvador, and Nicaragua. And as the cases of asylum-seekers were decided, the refugees were placed in detention centers for varying amounts of time.

Moreover, new legislation that intensified the criminalization of both drug use and undocumented immigration accelerated and expanded the privatization of prisons. The 1986 Anti-Drug Abuse Act mandated minimum sentences for drug-related offenses, including five- and ten-year minimum sentences for drug distribution or importation. The policy also enforced disparate treatment of powder cocaine (used primarily by the middle and upper classes) and crack cocaine (used disproportionately by poor persons of color) offenses, with crack cocaine charges attracting the most punitive actions. Meanwhile, the 1986 Alien Criminal Apprehension Program, based on joint efforts between the Bureau of Prisons (BOP) and INS, sought to uncover immigrants with criminal records, even those whose sentences had already been completed. The objective of this policy was to apprehend, detain, and eventually deport these immigrants.

Between 1980 and 1994, the number of inmates in federal prisons nearly quadrupled, from 24,363 to 95,034.⁵⁹ The composition of the inmate population also shifted dramatically during this period. For instance, while drug offenders accounted for one-fourth of all inmates in 1980, they made up more than three-fifths in 1994. And the changes in drug policy disproportionately affected African Americans and Latinos, as the number of black drug offenders increased fivefold and the number of Latino drug offenders quadrupled between 1986 and 1991 (compared to a twofold increase in white drug offenders in federal prisons).⁶⁰

To meet the rising demands for jail and detention space, two major private-

sector corporations answered the call. Corrections Corporation of America (CCA) was established in 1983, and the GEO Group was incorporated in 1984. These are the two dominant private-sector providers of prisons and detention centers in the country, with CCA being the largest. CCA and the GEO Group have profited handsomely from the nation's growth in prisoners and detainees (see below). Nonetheless, many local and county jails have also benefited by renting out space to house detainees. For example, in 1993 the ship *Golden Venture* ran aground close to New York City. The ship had attempted to smuggle approximately three hundred undocumented Chinese immigrants to the United States, many of whom were detained in York, Pennsylvania, for nearly four years to await a hearing of their cases. Journalist Mark Dow has described how communities vied for the privilege to detain some of the Chinese immigrants:

Local politicians and business entrepreneurs have taken full advantage of the revenue possibilities in immigration detention. Many asylum seekers aboard the *Golden Venture*, for example, were detained in a York County Pennsylvania jail. In a neighboring county, a *Harrisburg Patriot* headline read, "Prison Board Shopping for Immigrants to Prevent Layoffs." A Perry County commissioner told the *Patriot*, "We tried like the dickens to get some of the Chinese . . . but it didn't pan out. . . . If no immigrants are secured, some layoffs may be inevitable." The federal government paid York County \$45.00 per detainee per day, although it only cost the prison \$24.37 to maintain each prisoner. As the Chinese asylum seekers approached the two-year mark of their detention, the county's general fund boasted a profit of about \$1.5 million. A Mississippi sheriff said, "We don't always agree with the INS holding them. . . . But we like the money," and a Miami INS

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official confirmed that a jail in northern Florida was “calling us all the time to bring back some business for them.” A Nigerian detainee being transferred from Krome to the Monroe County Jail in Key West overheard a jail officer and an INS officer discussing vacancies and wondered, “Is this slave trade or what?”⁶¹

To some, undocumented immigrants represented a threat to their way of life; however, to enterprising entrepreneurs, immigrants represented potential profit, and to many local officials, immigrants represented the key to healthy budgets and job protection. A threshold had been crossed.

Over the last decade, private prison corporations, such as CCA and GEO Group, have turned their attention to the business of housing undocumented immigrants. Indeed, the massive profits that these corporations garnered in the prison-industrial complex abruptly declined from 1998 to 2001 as they built *speculative prisons*: “excess prison space for inmates who did not yet exist.”⁶² Because 9/11 dramatically increased government resources available to combat terrorism and undocumented immigration, including the increased effort to apprehend and deport undocumented immigrants, private prison corporations shifted their attention to the business of housing undocumented detainees.

The booming expansion of the construction of detention centers to house these immigrants has resulted in the emergence of the immigration-industrial complex: “the public and private sector interests in the criminalization of undocumented migration, immigration law enforcement and the promotion of ‘anti-illegal rhetoric.’”⁶³ Analyses of the immigration-industrial complex have emerged only recently.⁶⁴ More broadly, policies to curb terrorism and undocumented immigration have included the development of

other complexes, including the security-industrial complex⁶⁵ and the border-industrial complex.⁶⁶

As is the case with the prison-industrial complex, the immigration-industrial complex has three major features: a rhetoric of fear; the confluence of powerful interests; and a discourse of other-ization.⁶⁷ In particular, efforts to counter terrorism have featured a dual concern with national security alongside immigration law enforcement. The fear of a terrorist attack at the hands of immigrants has been used to justify the massive increase in funds in the war against terrorism and the protection of international borders. And similar to the prison-industrial complex, a confluence of interests surrounding immigrants binds together powerful entities in the government, corporate, and criminal justice sectors.

The links between private prison corporations, such as CCA, and the government and criminal justice sectors have been crucial to the expansion of for-profit detention centers and the increase in detentions of undocumented immigrants on which they rely. Finally, the immigration-industrial complex is further supported and sustained by the discourse of other-ization and the racialization of immigrants, especially the portrayal of Mexican immigrants as “invaders” and “foreigners” who do not belong in the United States.⁶⁸

A variety of corporations have contracts with ICE to house immigrant detainees. The corporations that provide such services to ICE include CCA, Emerald Companies, the GEO Group, Immigration Company of America-Farmville, LCS Corrections Services, Inc., and Management and Training Corporation. We will provide an overview of CCA, the largest such corporation, to examine its role in the prison-/immigration-industrial complex.

Founded in 1983, CCA made its first major contract with the INS in 1984 to construct and manage the Houston Processing Center. CCA's website calls attention to its cofounders' skills and connections to the political, criminal justice, and corporate sectors, the triumvirate of confluences that embody the prison-/immigration-industrial complex: "Co-founders Tom Beasley, Don Hutto and Doctor Crants brought diverse skills to their new venture: public policy, knowledge of the legislative process, and experience in public corrections and financial expertise."⁶⁹ CCA highlights its industry leadership in pioneering public-private partnerships in the field of corrections and in establishing cost-effective solutions to correctional problems.⁷⁰ The vision of CCA is "to be the best full service adult corrections system in the United States. . . . In partnership with government, we will provide meaningful public service by operating the highest quality adult corrections company in the United States."⁷¹ CCA's corporate profile states:

Corrections Corporation of America is the nation's largest owner and operator of privatized correctional and detention facilities and one of the largest prison operators in the United States, behind only the federal government and three states. CCA currently owns and operates more than 65 facilities including 47 company-owned facilities, with a design capacity of more than 90,000 beds in 19 states and the District of Columbia.

The Company specializes in owning, operating and managing prisons and other correctional facilities and providing inmate residential and prisoner transportation services for governmental agencies. In addition to providing the fundamental residential services relating to inmates, CCA offers a variety of rehabilitation and educational programs, including basic education, life skills and employment training and

substance abuse treatment. These services are intended to reduce recidivism and to prepare inmates for their successful re-entry into society upon their release. The Company also provides inmates health care (including medical, dental and psychiatric services), food services and work and recreational programs.⁷²

Spanning twenty-one states, CCA consists of sixty-five facilities, which CCA has described as an adjustment center, correctional centers/facilities/institutions, detention centers/facilities, jails, pre-parole transfer facilities, processing centers, a residential center, a treatment facility, a women's correctional facility, as well as CCA's corporate headquarters.⁷³ Of these sixty-five facilities, about one-fifth have contracts with ICE: thirteen facilities containing a total of 15,016 beds.⁷⁴

In calendar year 2011, CCA reported total revenues of approximately \$1.72 billion, compared to total revenues of \$1.66 billion in 2010.⁷⁵ In addition, CCA declared a net income of \$162 million in 2011 compared to \$157 million in 2010, representing a gain of 3.4 percent.⁷⁶ Unfortunately, we are not able to identify what portions of the total generated revenues and net incomes were generated from ICE contracts.

The three cofounders of CCA possessed connections to the corporate, political, and criminal justice sectors. One of these founders, Tom Beasley, was serving as the chairman of the Tennessee Republican Party in the late 1970s when he observed that the state's correctional system was hampered by high levels of turnover, tight budgets, and overcrowding.⁷⁷ He thought that the private sector may be a solution to these problems. Beasley subsequently shared his thoughts and plans with the two persons who would become his fellow cofounders of CCA: Doctor ("Doc") Crants, Beasley's West Point

roommate who held an M.B.A. and law degree from Harvard University but who had no corrections experience; and Don T. Hutto, former commissioner of corrections in Arkansas (1971–1976) and Virginia (1976–1981), and later president of the American Corrections Association (1984–1986).⁷⁸

The current board of directors of CCA likewise has deep ties to the political, criminal justice, and corporate sectors. John D. Ferguson became the chairman of the board and CEO of CCA in July 2008, after serving as president of CCA from 2000 to June 2008.⁷⁹ Before joining CCA, Ferguson had thirty-three years of experience in “finance, entrepreneurial ventures, corporate turnarounds and government experience.”⁸⁰ Immediately before coming to CCA, he served as Tennessee’s Commissioner of Finance and Administration, a post he held for four years.

The CCA board also includes Donna M. Alvarado, William F. Andrews, John D. Correnti, Dennis DeConcini, Damon Hiniger, John Horne, C. Michael Jocobi, Anne L. Mariucci, Thurgood Marshall, Jr., Charles L. Overby, John R. Prann, Jr., Joseph V. Russell, and Henri L. Wedell.⁸¹ We highlight three board members below to illustrate the interconnectivity between the political, criminal justice, and corporate sectors.

- Donna M. Alvarado is the founder and managing director of Aguila International, an international business-consulting firm. She has held senior management positions in government as deputy assistant secretary of defense in the U.S. Department of Defense, counsel for the U.S. Senate Committee on the Judiciary subcommittee on Immigration and Refugee Policy, and staff member of the U.S. House of Representatives Select Committee on Narcotics Abuse and Control.

- Dennis DeConcini is a former U.S. senator from Arizona, having held the office for three terms (1977 to 1995). He currently serves as director of Ceramic Protection Corporation and is a partner in the law firm of DeConcini McDonald Yetwin and Lacy. DeConcini is a principal in the lobbyist consulting firm Parry, Romani, DeConcini & Lacy P.C. in Washington, D.C.

- Thurgood Marshall, Jr. is the son of Thurgood Marshall, the first African American Supreme Court Justice. He is a partner in the law firm Bingham McCutchen LLP in Washington, D.C., and a principal in Bingham Consulting Group, which assists business clients with communications, political, and legal strategies. Marshall has held appointments in each branch of the federal government, serving as cabinet secretary to President Clinton and director of legislative affairs and deputy counsel to Vice President Al Gore.⁸²

Many CCA employees have held important government posts prior to joining the corrections business. For instance, John Ferguson, CCA’s current CEO, served on Tennessee Governor Don Sundquist’s Transition Advisory Council, which was charged with providing policy recommendations at the time that the state was considering privatizing 70 percent of its correctional system.⁸³ Other individuals moving from the Tennessee state government to CCA include Brian Ferrell (aide to Governor Sundquist, later CCA’s vice president for government relations), John Tighe (Governor Sundquist’s top health care advisor, later CCA’s vice president of health services), Natasha Metcalf (Tennessee’s commission of health services, later CCA’s vice president for local government customer relations), and Tony Grande (Tennessee commission of economic and community development,

later CCA's vice president of state customer relations).⁸⁴

CCA also has a long history of using its ties and personal relationships with people in government to gain economic advantages and contracts.⁸⁵ CCA's relationship with former Governor of Tennessee and Senator Lamar Alexander is one of the earliest and strongest such ties. Tom Beasley worked for Alexander when he was governor of Tennessee, though they share a history extending back to Beasley's time as an undergraduate at Vanderbilt University, when he rented an apartment above Alexander's garage. Honey Alexander, Lamar's wife, also was an investor in CCA, and such ties were helpful in CCA's ultimately unsuccessful bid to win a contract to operate Tennessee's correctional system in 1985.⁸⁶ Furthermore, Philip Perry, who is a son-in-law of former Vice President Dick Cheney, lobbied for CCA prior to holding the post of general counsel for the Department of Homeland Security.⁸⁷

CCA has aggressively lobbied and made campaign contributions to affect public policy issues related to corrections, criminal justice, and immigration, and to gain government contracts. As privatization researchers Philip Mattera, Mafruza Khan, and Stephen Nathan observe in their report *Corrections Corporation of America: A Critical Look at Its First Twenty Years*:

For an industry whose only customer is the public sector, it is no surprise that private prison operators need to cultivate relationships with government officials. Yet CCA has taken this to great lengths. Most controversial has been the involvement of CCA in American Legislative Exchange Council, a conservative group that promotes changes in state laws by drafting model bills and networking with legislators.

CCA has also attempted to use its direct relationships with executive branch of-

ficials and legislators, especially in its home state of Tennessee, to improve its chances of winning contracts. The company has nurtured these relationships through its generous campaign contributions and its practice of hiring former government officials.

CCA's efforts to make friends and influence important people are also evident at the federal level. The company has depended heavily on federal contracts since its founding, and it was the feds who were largely responsible for helping CCA survive its brush with bankruptcy several years back. The emphasis on homeland security in the wake of 9/11 has created new opportunities for CCA and the rest of the prison industry.

For 20 years CCA has invested large amounts of time and money in the public sector, and it expects to receive a continuing payoff.⁸⁸

As noted, business in the private prison industry was not always booming. Between 1998 and 2001, corporations in the prison business experienced significant declines in their profits. This was the case with CCA, which saw its stock market value plummet from 144.239 on January 2, 1998, to 68.368 on January 1, 1999; 18.343 on January 7, 2000; and finally 2.501 on January 5, 2001.⁸⁹ The downward slide was not as dramatic for GEO: 8.025 on January 9, 1998; 9.546 on January 1, 1999; 3.481 on January 7, 2000; and 3.293 on January 12, 2001.⁹⁰

The events of 9/11 reversed this descent, for the immediate federal response to the terrorist attacks was to allocate massive amounts of resources to wage war against terrorism, with the control of borders and the detention of unwanted immigrants part and parcel of this plan. It is clear that the corporations in the business of detention centers anticipated the oncoming windfall profits. For instance, the chairman of the Houston-based Cornell Companies, speaking in a

conference call to investors shortly after 9/11, gushed:

It can only be good . . . with the focus on people that are illegal and also from Middle Eastern descent. . . . In the United States there are over 900,000 undocumented immigrants from Middle Eastern descent. . . . That's *half* of our entire prison population. . . . The federal business is the *best* business for us . . . and the events of September 11 [are] increasing that level of business.⁹¹

Similarly, the head of the Wackenhut Corporation (the parent company of the GEO Group) noted:

As a result of the terrorist attacks in the United States in September we can expect federal agencies to have urgent needs to increase current offender capacity if certain anti-terrorism and homeland security legislation is passed. . . . It's almost an oddity that . . . given the size of our country and the number of illegal immigrants entering our country that we have such a small number of beds for detention purposes, and I think this has become an issue under the 'homeland security' theme, and I think it's likely we're going to see an increase in that area."⁹²

As anticipated, the aftermath of 9/11 proved to be a bonanza for corporations like CCA and the GEO Group. Stock prices rebounded robustly. Figure 1 provides the stock market values of CCA and GEO stock on the January opening for each year between 2001 and 2012. The stock value of each corporation experienced significant gains between 2001 and 2008. Indeed, the value of CCA stocks soared elevenfold, from 2.501 in 2001 to 28.55 in 2008, while that of GEO stocks climbed eightfold, from 3.293 in 2001 to 27.30 in 2008. CCA experienced the greatest annual percentage increase (147 percent gain) in its stock between 2001 and 2002,

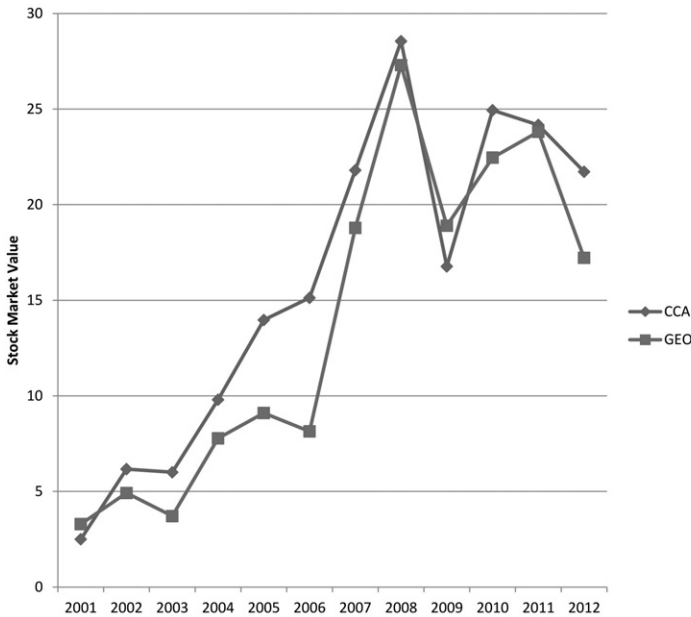
while GEO's greatest surge (131 percent gain) took place between 2006 and 2007, the time period associated with the change in policy from catch-and-release to catch-and-detain. In general, there has been a slight decline in the value of the stock of both corporations between 2010 and 2012.

Lobbying is a key strategy for CCA to exert its influence on the political process, and Figure 2 shows CCA's lobbying expenditures between 1998 and 2011. These expenditures nearly doubled from year to year during the 2001 to 2004 period. By 2005, CCA spent \$7 in lobbying for each \$1 that it spent in 2001. From 2008 to 2011, CCA's lobbying expenditures dropped significantly from the 2007 levels; yet the corporation still paid approximately \$1 million in each of the last four years. As noted earlier, CCA has combined its lobbying efforts with generous campaign contributions to influence public policy and help acquire government contracts. CCA's role in the formation of Arizona's controversial S.B. 1070 legislation is the most recent example of its influence on public policy. National Public Radio exposed the important role that CCA, through its association with the American Legislative Exchange Council (ALEC), played in political discussions that led to the formation of S.B. 1070, with CCA standing to gain handsomely from the enactment of the bill.⁹³

In sum, CCA has been the pioneer and leader in the establishment of the prison-industrial complex and the immigration-industrial complex through its strong ties across the political, criminal justice, and corporate sectors. But what trends can we observe in the growth of the immigration-industrial complex? And in what direction can we expect it to go?

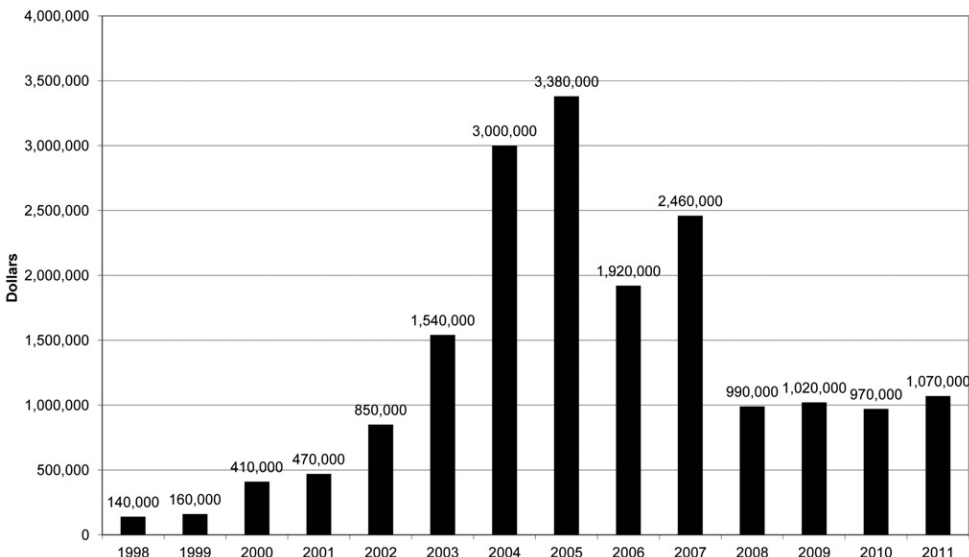
The growth in immigrant detentions has been exceptionally strong over the last few decades. The average number of

Figure 1
Market Values of CCA and GEO Stocks During First Week of January, 2001–2012



Source: New York Stock Exchange, “Corrections Corp of America (NYSE:CXW),” <https://www.google.com/finance?client=ob&q=NYSE:CXW> (accessed July 27, 2012); and New York Stock Exchange, “The GEO Group, Inc. (NYSE:GEO),” <https://www.google.com/finance?client=ob&q=NYSE:GEO> (accessed July 27, 2012).

Figure 2
Lobbying Expenditures of CCA, 1998–2011



Source: “Annual Lobbying by Corrections Corporation of America,” OpenSecrets.org, <http://www.opensecrets.org/lobby/clientsum.php?id=D000021940&year=2012> (accessed July 30, 2012).

immigrant detainees increased nearly fivefold, from 6,785 in 1994 to 33,330 in 2011 (see Figure 3). We can clearly see the impact of IIRIRA in 1996, as well as the change of policy from catch-and-release to catch-and-detain in 2006. For example, the average number of detainees more than doubled from 1996 to 2001, while the average has increased by approximately 72 percent between 2006 and 2011. The average number of detainees has surpassed 30,000 each year since 2009.

The growth trends surrounding the 2006 policy change are also attributable to a significant increase in arrests from ICE worksite raids (see Figure 4). The number of persons arrested for criminal violations (employers, contractors, and managers who hire undocumented workers; immigrants who use fraudulent documents to find employment; and immigrants charged with identity theft) increased more than fivefold, from 176 in 2005 to 1,103 in 2008, while the number of administrative arrests (undocumented immigrants arrested but not charged with criminal violations) rose more than fourfold, from 1,116 in 2005 to 5,184 in 2008. Nonetheless, the volume of criminal arrests has dropped by 35 percent from 2008 to 2011, while the number of administrative arrests has declined by 72 percent during this period.

Neoliberal policies that came to the fore during the Reagan administration provided an ideological rationalization for the privatization of many functions of the criminal justice system. Mass incarceration has been used as the primary weapon in the war on drugs (declared by Nixon and waged by every administration since), solidifying and expanding the prison-industrial complex. And after 9/11, the federal government targeted undocumented immigrants with unprece-

dentented punitive actions. The privatization of the prison system and the demonization of immigrants combined with the threat of terror to propel for-profit incarceration companies like CCA to record profits. These trends have been advanced by politicians in response to vague public demands for the government to “do something” about crime, drugs, terrorism, and immigration. They have not, however, been without significant human rights implications for citizens and non-citizens alike.

As Edmund Burke warned, those who cannot remember the past are destined to repeat it. In many ways, history tells us that immigrant-bashing is more the norm than not. It was the tremendous nativist backlash against Southern and Eastern Europeans that inspired the National Origins Act of 1924, which significantly curtailed immigration from these areas and concomitantly gave rise to the phenomenon of illegal immigration. The current climate of immigrant-bashing distinguishes itself from this history of nativism by focusing almost exclusively on Latinos as scapegoats.

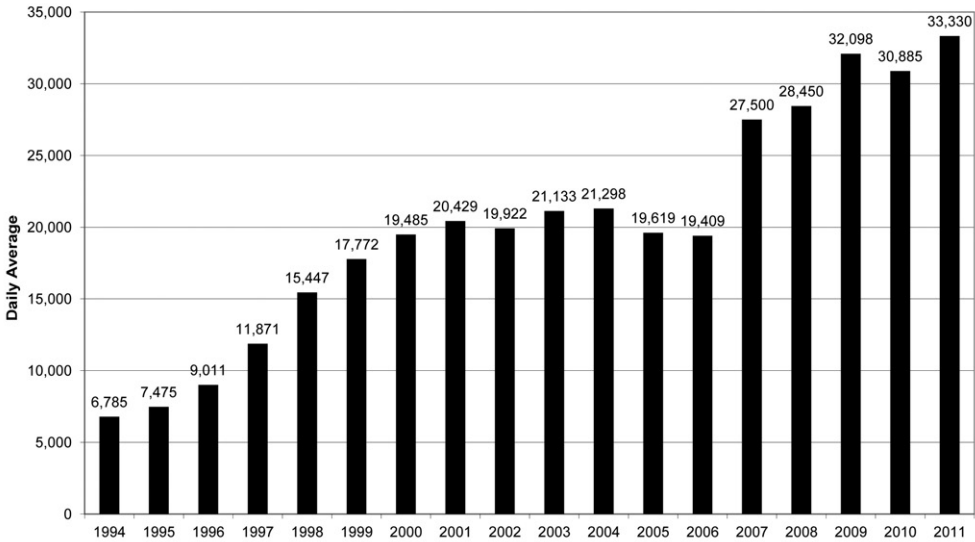
The adoption of terminology such as “alien” and “illegal alien” to characterize this administratively created class is fraught with racial connotations. As Johnson and Trujillo have pointed out:

The construction of alien has justified our legal system’s restrictive approach, offering noncitizens extremely limited rights. References to the “alien,” “aliens,” and “illegal aliens” as societal others thus helps make the harsh treatment of people from other countries seem reasonable and necessary.⁹⁴

They have also observed that the usage of alien terminology is not benign because it treats “racial minorities poorly on the grounds that they are ‘aliens’ or ‘illegal aliens’ [which] allows people to reconcile the view that they ‘are not racist’ while

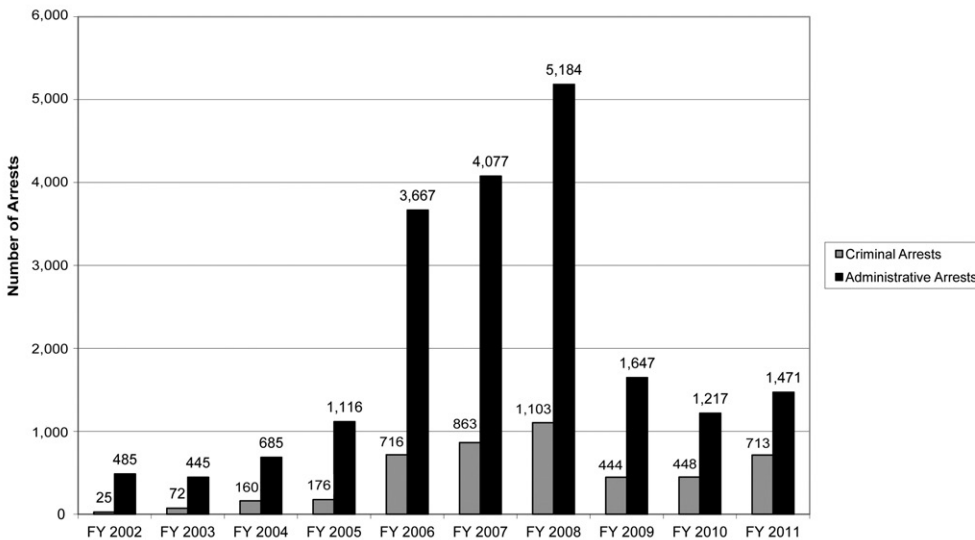
Figure 3
Average Daily Immigrant Detainee Population, FY 1994 to FY 2011

Karen
Manges
Douglas &
Rogelio
Sáenz



Source: Data for FY 1994 to FY 2006 are from Alison Siskin, *Immigration-Related Detention: Current Legislative Issues* (Washington, D.C.: Congressional Research Service, 2007), <http://www.ilw.com/immigdaily/news/2007,04-06-crs.pdf>; and data for FY 2007 to FY 2011 are from Alison Siskin, *Immigration-Related Detention: Current Legislative Issues* (Washington, D.C.: Congressional Research Service, 2012), <http://www.fas.org/irp/crs/RL32369.pdf>.

Figure 4
Immigration and Customs Enforcement Worksite Enforcement Arrests, FY 2002 to FY 2011



Source: Andorra Bruno, *Immigration-Related Worksite Enforcement: Performance Measures* (Washington, D.C.: Congressional Research Service, 2012), <http://www.fas.org/sgp/crs/homsec/R40002.pdf>.

pursuing policies that punish certain groups of persons viewed as racially or otherwise different.”⁹⁵

Moreover, it is hard to distinguish between documented and undocumented immigrants, and consequently, “alien” becomes synonymous with “Mexican appearance,” irrespective of citizenship.⁹⁶ Unfortunately, racial profiling by law enforcement has been sanctioned by the highest courts for over thirty years. The U.S. Supreme Court, in *United States v. Brignoni-Ponce* (1975), held that “Mexican appearance is a relevant factor” that can be taken into consideration in law enforcement decisions regarding whom to stop and interrogate.⁹⁷

The plenary power doctrine is the cornerstone that allows, if not encourages, the disparate and highly questionable treatment of immigrants. According to Ngai, the plenary power doctrine “has allowed Congress to create rules that would be unacceptable if applied to citizens. Second, it has marginalized or erased other issues from consideration in policy formation, such as human rights and the global distribution of wealth.”⁹⁸ The merging of immigration and criminal law, a trend that escalated in the 1990s and expanded considerably after 9/11, has allowed that “mundane, everyday policing with no direct relevance to national security by nonfederal authorities can now lead to detention and eventually deportation.”⁹⁹ These policies further disenfranchise immigrant communities and act as a form of legal, political, and economic apartheid.¹⁰⁰ Additionally, deportations devalue assimilation and fracture families.¹⁰¹

Two competing views have framed the human rights issues regarding immigration and immigrant rights: the citizenship and national sovereignty perspective, and the human rights perspective.¹⁰² The latter recognizes the fundamental

right that all people have to dignity, respect, and equality regardless of citizenship. The citizenship/national sovereignty perspective, meanwhile, holds that rights are conditional upon nation-state recognition. Citizenship comes with rights (for example, to vote and receive a trial by jury) and responsibilities (to pay taxes and follow the law). The citizenship/national sovereignty perspective has held sway in the United States. Consequently, the mere presence of undocumented aliens is evidence of their lawbreaking nature and justification for the dismissal of their human rights.¹⁰³ When framed within the post-9/11 anti-terrorism and national security discourse, it is even easier for the public to stomach these human rights abuses.

Profiting from prisoners is also not a new practice. As historian Robert Perkinson has detailed, the United States, particularly the South, embraced a convict leasing system within decades of the formal abolishment of slavery.¹⁰⁴ By exploiting a loophole in the 13th Amendment that abolished slavery “except as punishment for crime,” Texas and other Southern states were able to reestablish a slavery-like system using convicts (primarily blacks) as leased labor to high bidders. Today, private contractors are engaged in social control functions that have fundamentally altered the traditional social control apparatus. The general assumption is that privatizing government functions will generate greater efficiency. Although this idea is in and of itself questionable, an even more fundamental question is whether or not efficiency as judged by corporate profits should be the measure by which we evaluate prisons and/or detention centers. It is, after all, in the best interest of corporations to increase occupancy rates and punish people for longer periods of time.

The immigration-industrial complex is enormous, as are its entrenched interests.

Investors are profiting handsomely from the imprisonment of other people, creating a new class of what journalist Joseph Hallinan has called “prison millionaires” that marks “a turning point in American penology. Never before had it been possible in this country to become rich by incarcerating other people. Now, it is commonplace.”¹⁰⁵ Unfortunately, the profit generated by detaining immigrants extends beyond individuals, as the system has itself become institutionalized. Although detainees are at most temporary and unwanted “residents,” their inclusion in the U.S. Census as residents of the counties in which they are detained contributes thousands, if not millions, of dollars to state and local budget coffers. As journalist Henry Sieff has observed: “four hundred billion dollars in federal funding over the next 10 years will be distributed based on the count, making detainees worth thousands of dollars to cities, counties, and states where they are briefly detained. The government will allocate more than \$100 million in additional funds to places where immigrants are detained.”¹⁰⁶

What can be done about detention centers now and in the future? And how can their negative impact on U.S. society be minimized? Professor of Government Michael Sandel has called for a discussion regarding the “reach of markets, and market-oriented thinking into aspects of life traditionally governed by non-market norms.”¹⁰⁷ As has been illustrated in this essay, private corporations are managing detention centers and making huge profits from doing so. We must recognize that the market system, in this case as reflected in the construction and operation of private detention centers, are, as legal scholar Bernard Harcourt has stressed, a creation of the state.¹⁰⁸ The corporations that manage these detention centers have a vested interest in expanding them; they

secure state funding for managing the lives of detainees, all the while making money for their shareholders.

As sociologist Gideon Sjoberg has articulated, corporations “are in the curious position of having a monetary stake in destabilizing social orders through their support of certain economic and political policies.”¹⁰⁹ Indeed, CCA illustrates such a “curious position” in its participation in the creation of the destabilizing, anti-immigrant S.B. 1070 in Arizona through which they stand to profit. Moreover, the standards of transparency and accountability between the public and private sectors are very different. What further complicates the situation is that the moral accountability of corporations is seldom addressed by social scientists or even legal scholars, let alone the broader citizenry.¹¹⁰ In a larger sense, Sjoberg suggests that we may need to reexamine the legal foundation of corporations if these social entities are to be held morally accountable, especially in light of the rise of the prison-industrial complex and now the immigrant detention industry and, beyond the focus of this essay, the international scope of these organizations. At minimum, Sjoberg urges that corporations be prohibited from profiting from coercion and violence.¹¹¹ As Professor Sandel has contended, one of the consequences of the shift to a market society is the corrosive and corruptive effects that markets have on our integrity, for treating human beings as commodities “fails to value human beings in the appropriate way – as persons worthy of dignity and respect, rather than as instruments of gain and objects of use.”¹¹²

The issues addressed in this essay are part of a major transformation under way in the United States (and globally) in which neoliberal ideology dominates nearly all aspects of society. What has resulted in the United States is an increas-

ing wealth and income stratification, high levels of risk for individuals, and harsh and punitive policies for immigrants and the poor.¹¹³ An urgent discussion is needed about the encroachment of market-based policies and principles into our nation's prisons and immigrant detention centers. Unfortunately, the 2010 Supreme Court ruling in *Citizens United v. Federal Election Commission*, in addition to its 2012 ruling against Montana's efforts to limit corporate reach into state and local politics, indicates that the reexamination of the legal structure of corporations is an idea whose time has not yet come, at least not under the present political and legal constructions. However, as Perkinson has documented, penal reform, even in the most unlikely of places (like conservative Texas), has happened in the past.¹¹⁴ Furthermore, the issue of the need for a broader human rights platform in light of growing corpo-

rate power is being addressed by the United Nations. In his opening address to the United Nations Forum on Business and Human Rights, human rights scholar John Ruggie pointedly urged that "states must protect; companies must respect; and those who are harmed must have redress."¹¹⁵

Demonizing and criminalizing immigrants – by and large, nonthreatening labor migrants – serves no one's interests. It disenfranchises the immigrants and maintains their marginality and exploitation. The billions of dollars spent to militarize the U.S.-Mexico border has not made us safer; arresting and deporting the most vulnerable among us does nothing to address the growing economic inequality that Jacob Hacker and political scientist Paul Pierson have vividly described.¹¹⁶ It does, however, tarnish the reputation of a nation that purports to stand for "liberty and justice for all."

ENDNOTES

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¹ Tara Herivel, "Behind Closed Doors: Privatized Prisons for Youth," in *Prison Profiteers: Who Makes Money from Mass Incarceration* (New York: The New Press, 2007), 157–178.

² Michael J. Sandel, *What Money Can't Buy: The Moral Limits of Markets* (New York: Farrar, Straus & Giroux, 2012); Daniel T. Rodgers, *Age of Fracture* (Cambridge, Mass.: The Belknap Press of Harvard University Press, 2011); Chris Hedges, *Death of the Liberal Class* (New York: Nation Books, 2010); Jacob S. Hacker and Paul Pierson, *Winner-Take-All Politics: How Washington Made the Rich Richer – And Turned Its Back on the Middle Class* (New York: Simon & Schuster, 2010); Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (New York: The New Press, 2010); and Kevin R. Johnson and Bernard Trujillo, *Immigration Law and the U.S.-Mexico Border* (Tucson: University of Arizona Press, 2011).

- 3 Peter Andreas, *Border Games: Policing the U.S.-Mexico Divide* (Ithaca, N.Y.: Cornell University Press, 2000); Mae N. Ngai, *Impossible Subjects: Illegal Aliens and the Making of Modern America* (Princeton, N.J.: Princeton University Press, 2004); and Johnson and Trujillo, *Immigration Law and the U.S.-Mexico Border*.
- 4 Ngai, *Impossible Subjects*.
- 5 *Ibid.*, 18.
- 6 *Fong Yue Ting v. United States*, 149 U.S. 698 (1893); <http://supreme.justia.com/cases/federal/us/149/698/case.html>.
- 7 Ngai, *Impossible Subjects*, 76.
- 8 Ngai, *Impossible Subjects*.
- 9 *Ibid.*
- 10 Don M. Coerver, "Immigration/Emigration," in *Mexico: An Encyclopedia of Contemporary Culture and History*, ed. Don M. Coerver, Suzanne B. Pasztor, and Robert M. Buffington (Santa Barbara, Calif.: ABC-CLIO, 2004), 223–230.
- 11 Ngai, *Impossible Subjects*.
- 12 *Ibid.*
- 13 *Ibid.*, 75.
- 14 Ngai, *Impossible Subjects*.
- 15 Johnson and Trujillo, *Immigration Law and the U.S.-Mexico Border*.
- 16 Andreas, *Border Games*.
- 17 *Ibid.*
- 18 *Ibid.*
- 19 *Ibid.*, 4.
- 20 Maldwyn Allen Jones, *American Immigration*, 2nd ed. (Chicago: University of Chicago Press, 1992).
- 21 *Ibid.*
- 22 Andreas, *Border Games*, 35
- 23 Andreas, *Border Games*.
- 24 Ernesto Verdeja, "Law, Terrorism, and the Plenary Power Doctrine: Limiting Alien Rights," *Constellations* 9 (1) (2002): 89–97.
- 25 William J. Clinton, "Remarks and an Exchange with Reporters on Immigration Policy," in *Administration of William J. Clinton* (Washington, D.C.: Government Printing Office, 1993), 1194, <http://www.gpo.gov/fdsys/pkg/PPP-1993-book1/pdf/PPP-1993-book1-doc-pg1194.pdf>.
- 26 Andreas, *Border Games*.
- 27 *Ibid.*, 87.
- 28 Andreas, *Border Games*.
- 29 Anna Ochoa O'Leary and Azucena Sanchez, "Anti-Immigrant Arizona: Ripple Effects and Mixed Immigration Status Households under 'Policies of Attrition' Considered," *Journal of Borderland Studies* 26 (1) (2011): 115–133.
- 30 Verdeja, "Law, Terrorism, and the Plenary Power Doctrine," 93.
- 31 Mathew Coleman and Austin Kocher, "Detention, Deportation, Devolution and Immigrant Incapacitation in the U.S., Post 9/11," *The Geographical Journal* 177 (3) (September 2011): 228–237.

- The Criminalization of Immigrants & the Immigration-Industrial Complex*
- 32 Austin T. Fragomen, Jr., “The Illegal Immigration Reform and Immigrant Responsibility Act of 1996: An Overview,” *International Migration Review* 31 (2) (Summer 1997): 438 – 460.
- 33 Barbara Hines, “An Overview of U.S. Immigration Law and Policy Since 9/11,” *Texas Hispanic Journal of Law and Policy* 12 (9) (2006): 17.
- 34 Ibid.
- 35 U.S. Immigration and Customs Enforcement, “Fact Sheet: Delegation of Immigration Authority Section 287(g) Immigration and Nationality Act,” <http://www.ice.gov/news/library/factsheets/287g.htm> (accessed July 30, 2012).
- 36 Verdeja, “Law, Terrorism, and the Plenary Power Doctrine”; and Juan Carlos Linares, “Hired Hands Needed: The Impact of Globalization and Human Rights Law on Migrant Workers in the United States,” *Denver Journal of International Law Policy* 34 (3) (Fall 2006).
- 37 Hines, “An Overview of U.S. Immigration Law and Policy Since 9/11.”
- 38 Ibid.
- 39 Cassie L. Peterson, “An Iowa Immigration Raid Leads to Unprecedented Criminal Consequences: Why ICE Should Rethink the Postville Model,” *Iowa Law Review* 95 (1) (2009): 323 – 346.
- 40 Johnson and Trujillo, *Immigration Law and the U.S.-Mexico Border*.
- 41 Linares, “Hired Hands Needed.”
- 42 Alexander, *The New Jim Crow*.
- 43 Johnson and Trujillo, *Immigration Law and the U.S.-Mexico Border*.
- 44 Jacob S. Hacker, *The Great Risk Shift: The New Economic Insecurity and the Decline of the American Dream* (New York: Oxford University Press, 2008).
- 45 Priscila Diaz, Delia S. Saenz, and Virginia S.Y. Kwan, “Economic Dynamics and Changes in Attitudes Toward Undocumented Mexican Immigrants in Arizona,” *Analyses of Social Issues and Public Policy* 11 (1) (2011): 302.
- 46 Naomi Klein, *The Shock Doctrine: The Rise of Disaster Capitalism* (New York: Metropolitan Books, 2007), 25.
- 47 Émile Durkheim, *The Division of Labor in Society* (1893; New York: Free Press, 1984).
- 48 Klein, *The Shock Doctrine*, 25.
- 49 Douglas S. Massey, Joaquin Arango, Graeme Hugo, Ali Kouaouci, Adela Pellegrino, and J. Edward Taylor, “Theories of International Migration: A Review and Appraisal,” *Population and Development Review* 19 (3) (September 1993): 431 – 466.
- 50 Ibid.
- 51 Ibid., 450.
- 52 Dwight Eisenhower, “Eisenhower’s Farewell Address to the Nation,” January 17, 1961, http://www.ourdocuments.gov/print_friendly.php?flash=true&page=&doc=90&title=President+Dwight+D.+Eisenhower%27s+Farewell+Address+%281961%29.
- 53 Tanya Golash-Boza, “The Immigration Industrial Complex: Why We Enforce Immigration Policies Destined to Fail,” *Sociology Compass* 3 (2) (2009): 301.
- 54 Charles C. Moskos, “The Concept of the Military-Industrial Complex: Radical Critique of Liberal Bogey?” *Social Problems* 21 (4) (1974): 498 – 512; and Golash-Boza, “The Immigration Industrial Complex,” 301.
- 55 Mike Davis, “Hell Factories in the Field,” *The Nation* 260 (7) (February 20, 1995): 229, <http://road-trip.syntone.org/wp-content/uploads/2011/04/davis-mike-hell-factories-1995.pdf>.

- ⁵⁶ Angela Davis, "Masked Racism: Reflections on the Prison Industrial Complex," *Colorlines*, September 10, 1998, http://colorlines.com/archives/1998/09/masked_racism_reflections_on_the_prison_industrial_complex.html; and Eric Schlosser, "The Prison-Industrial Complex," *The Atlantic Monthly* 282 (6) (1998): 54.
- ⁵⁷ Earl Smith and Angela Hattery, "The Prison Industrial Complex," *Sociation Today* 4 (2) (2006), <http://www.ncsociety.org/sociationtoday/v42/prison.htm>.
- ⁵⁸ Golash-Boza, "The Immigration Industrial Complex."
- ⁵⁹ Bureau of Justice Statistics, *Prisoners in 1994* (Washington, D.C.: U.S. Department of Justice, 1995), http://www.hawaii.edu/hivandaids/Prisoners_in_1994.pdf; and Bureau of Justice Statistics, *Survey of State Prison Inmates, 1991* (Washington, D.C.: U.S. Department of Justice, 1993), <http://www.prisonpolicy.org/scans/bjs/sosp191.pdf>.
- ⁶⁰ Ibid.
- ⁶¹ Mark Dow, *American Gulag: Inside U.S. Immigration Prisons* (Berkeley: University of California Press, 2004), 9–10.
- ⁶² Phillip J. Wood, "Globalization and Prison Privatization: Why Are Most of the World's For-Profit Adult Prisons to Be Found in the American South?" *International Political Sociology* 1 (3) (2007): 232; and Tanya Golash-Boza, "A Confluence of Interests in Immigration Enforcement: How Politicians, the Media, and Corporations Profit from Immigration Policies Destined to Fail," *Sociology Compass* 3 (2) (2009): 290.
- ⁶³ Golash-Boza, "The Immigration Industrial Complex," 296.
- ⁶⁴ See Dow, *American Gulag*; Deepa Fernandes, *Targeted: National Security and the Business of Immigration* (St. Paul, Minn.: Seven Stories Press, 2007); Golash-Boza, "The Immigration Industrial Complex"; and Golash-Boza, "A Confluence of Interests in Immigration Enforcement."
- ⁶⁵ Brendan I. Koerner, "The Security Traders," *Mother Jones* (September/October 2002), <http://www.motherjones.com/politics/2002/09/security-traders>; and Mark Mills, "On My Mind: The Security-Industrial Complex," *Forbes*, November 29, 2004, <http://www.forbes.com/forbes/2004/1129/044.html>.
- ⁶⁶ Justin Akers Chacón and Mike Davis, *No One is Illegal: Fighting Racism and State Violence on the U.S.-Mexico Border* (Chicago: Haymarket Books, 2006).
- ⁶⁷ Golash-Boza, "The Immigration Industrial Complex."
- ⁶⁸ Leo R. Chavez, *The Latino Threat: Constructing Immigrants, Citizens, and the Nation* (Stanford, Calif.: Stanford University Press, 2008).
- ⁶⁹ Corrections Corporation of America, "Our History," <http://www.cca.com/about/cca-history> (accessed July 28, 2012).
- ⁷⁰ Ibid.
- ⁷¹ Corrections Corporation of America, "The CCA Way," <http://www.cca.com/about/cca-way/> (accessed July 28, 2012).
- ⁷² Corrections Corporation of America, "Corporate Profile," <http://ir.correctionscorp.com/phoenix.zhtml?c=117983&p=irol-homeProfile&t=&id=&> (accessed July 28, 2012).
- ⁷³ Corrections Corporation of America, "CCA Facility Locations," <http://www.cca.com/facilities/> (accessed July 28, 2012).
- ⁷⁴ Ibid.
- ⁷⁵ Corrections Corporation of America, "CCA Announces 2011 Fourth Quarter and Full-Year Final Results," <http://ir.correctionscorp.com/phoenix.zhtml?c=117983&p=irol-newsArticle&ID=1658614&highlight=> (accessed July 28, 2012).
- ⁷⁶ Ibid.

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- 77 Funding Universe, “Corrections Corporation of America History,” <http://www.fundinguniverse.com/company-histories/corrections-corporation-of-america-history/> (accessed July 28, 2012).
- 78 *Ibid.*; and Philip Mattera, Mafruza Khan, and Stephan Nathan, *Corrections Corporation of America: A Critical Look at Its First Twenty Years* (Charlotte, N.C.: Grassroots Leadership, 2003), http://www.soros.org/sites/default/files/CCA_Report.pdf.
- 79 Corrections Corporation of America, “Board of Directors,” <http://www.cca.com/about/management-team/board-directors/> (accessed July 29, 2012).
- 80 *Ibid.*
- 81 *Ibid.*
- 82 *Ibid.* The website includes a full list of current CCA board members, along with their bios.
- 83 Mattera et al., *Corrections Corporation of America*.
- 84 *Ibid.*, 22.
- 85 Mattera et al., *Corrections Corporation of America*.
- 86 *Ibid.*
- 87 Adam Zagorin, “Scrutiny for a Bush Judicial Nominee,” *Time*, March 13, 2008, <http://www.time.com/time/nation/article/0,8599,1722065,00.html>. For further details on the many political figures who have ties to CCA, see Mattera et al., *Corrections Corporation of America*.
- 88 Mattera et al., *Corrections Corporation of America*.
- 89 New York Stock Exchange, “Corrections Corp of America (NYSE:CXW),” <https://www.google.com/finance?client=ob&q=NYSE:CXW> (accessed July 27, 2012).
- 90 New York Stock Exchange, “The GEO Group, Inc. (NYSE:GEO),” <https://www.google.com/finance?client=ob&q=NYSE:GEO> (accessed July 27, 2012).
- 91 Dow, *American Gulag*, 10.
- 92 *Ibid.*
- 93 Laura Sullivan, “Prison Economics Help Drive Arizona Immigration Law,” National Public Radio, October 28, 2010, <http://www.npr.org/templates/story/story.php?storyID=130833741&sc=emaf>.
- 94 Johnson and Trujillo, *Immigration Law and the U.S.-Mexico Border*, 5.
- 95 *Ibid.*, 11.
- 96 Diaz et al., “Economic Dynamics and Changes in Attitudes Toward Undocumented Mexican Immigrants in Arizona.”
- 97 *United States v. Brignoni-Ponce*, 422 U.S. 873 (1975); <http://supreme.justia.com/cases/federal/us/422/873/>.
- 98 Ngai, *Impossible Subjects*, 12.
- 99 Coleman and Kocher, “Detention, Deportation, Devolution and Immigrant Incapacitation in the U.S.,” 230.
- 100 Coleman and Kocher, “Detention, Deportation, Devolution and Immigrant Incapacitation in the U.S.”
- 101 Ngai, *Impossible Subjects*.
- 102 Bryan S. Turner, *Vulnerability and Human Rights* (University Park: Pennsylvania State University Press, 2006).
- 103 Caroline B. Brettell and Faith G. Nibbs, “Immigrant Suburban Settlement and the ‘Threat’ to Middle Class Status and Identity: The Case of Farmers Branch, Texas,” *International Migration* 49 (1) (2010): 1–30.

- ¹⁰⁴ Robert Perkinson, *Texas Tough: The Rise of America's Prison Empire* (New York: Picador, 2010). Karen Manges Douglas & Rogelio Sáenz
- ¹⁰⁵ Joseph T. Hallinan, *Going up the River: Travels in a Prison Nation* (New York: Random House, 2001), 174.
- ¹⁰⁶ Henry Sieff, "Down for the Count: The Profitable Game of Counting Immigrants in the Census, Then Deporting Them," *Texas Observer*, March 25, 2010, <http://www.texasobserver.org/cover-story/down-for-the-count>.
- ¹⁰⁷ Sandel, *What Money Can't Buy*, 7.
- ¹⁰⁸ Bernard E. Harcourt, *The Illusion of Free Markets: Punishment and the Myth of Natural Order* (Cambridge, Mass.: Harvard University Press, 2011).
- ¹⁰⁹ Gideon Sjoberg, "The Corporate Control Industry and Human Rights: The Case of Iraq," *Journal of Human Rights* 4 (2005): 98.
- ¹¹⁰ Sjoberg, "The Corporate Control Industry and Human Rights."
- ¹¹¹ Gideon Sjoberg, "Corporations and Human Rights," in *Interpreting Human Rights: Social Science Perspectives*, ed. Rhiannon Morgan and Bryan Turner (New York: Routledge, 2009).
- ¹¹² Sandel, *What Money Can't Buy*, 9 – 10.
- ¹¹³ Rogelio Sáenz, Karen Manges Douglas, David Geronimo Embrick, and Gideon Sjoberg, "Pathways to Downward Mobility: The Impact of Schools, Welfare and Prisons on People of Color," in *Handbook of the Sociology of Racial and Ethnic Relations*, ed. Hernán Vera and Joe Feagin (New York: Springer, 2007).
- ¹¹⁴ Perkinson, *Texas Tough*.
- ¹¹⁵ John G. Ruggie, "Opening Address: United Nations Forum on Business & Human Rights, Geneva, Switzerland," December 4, 2012, http://www.hks.harvard.edu/m-rcbg/CSRI/Ruggie_UN_Forum_4_December_2012.pdf.
- ¹¹⁶ Hacker and Pierson, *Winner-Take-All Politics*.

Immigration, Civil Rights & the Evolution of the People

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Abstract: In considering what it means to treat immigration as a “civil rights” matter, I identify two frameworks for analysis. The first, universalistic in nature, emanates from personhood and promises non-citizens the protection of generally applicable laws and an important set of constitutional rights. The second seeks full incorporation for non-citizens into “the people,” a composite that evolves over time through social contestation – a process that can entail enforcement of legal norms but that revolves primarily around political argument. This pursuit of full membership for non-citizens implicates a reciprocal relationship between them and the body politic, and the interests of the polity help determine the contours of non-citizens’ membership. Each of these frameworks has been shaped by the legal and political legacies of the civil rights movement itself, but the second formulation reveals how the pursuit of immigrant incorporation cannot be fully explained as a modern-day version of the civil rights struggle.

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The Immigration and Nationality Act of 1965, which eliminated national-origin quotas from the code, coincided with the enactment of framework civil rights legislation. Throughout the mid- to late twentieth century, lawmakers and advocates who pressed for immigration reform formulated their ideas as extensions of the civil rights struggle.¹ And generally speaking, the civil rights movement has given us the vocabulary with which we frame debates concerning justice, equality, and citizenship. Characterizing the immigration debate as a civil rights struggle therefore has strong intuitive appeal for defenders of immigrants’ rights.

But what precisely it means to connect immigration with the civil rights project is not self-evident. The immigrant population encompasses persons whose ties to the body politic vary considerably in kind. “Civil rights” is itself a term with multiple meanings. It can refer to particular legal protections against discrimination and exploitation, as well as to abstract principles of equality and anti-subordination, and it can be employed to evoke the civil rights

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movement itself and the forms of popular mobilization that defined that social struggle.

When advocates or scholars invoke the civil rights of immigrants, or charge that the treatment of non-citizens undermines civil rights, they might mean any number of things. The claims could mean that the constitutionally protected civil liberties of immigrants have been violated, or that immigrants have been denied the protections of generally applicable social welfare legislation. The reference might also be to the civil rights externalities generated by efforts to enforce the immigration laws – rights violations that fall disproportionately on lawful permanent residents and U.S. citizens of the same race or national origin as the primary targets of enforcement. And sometimes the appeal to civil rights might be intended to invoke something grander – to tap into a historical struggle for justice and inclusion by marginalized groups in order to build the moral case for events such as the legalization of the unauthorized population.

When invoking civil rights in immigration debates, we ought to distinguish between two interconnected but distinct frameworks of analysis. The first formulation, universalistic in orientation, emphasizes the right of all persons to basic respect for their dignity and to protection from arbitrary state action. This civil rights formulation focuses on personhood and promises immigrants the protection of generally applicable laws, as well as a limited but important set of constitutional rights grounded in the fact of personhood. The second formulation accepts the rights that emanate from personhood as a baseline but ultimately seeks recognition of full membership in “the people.” “The people,” in turn, should be understood as taking shape over time, primarily through social contestation, rather than by operation of universalistic norms enforceable

by courts. Whereas the personhood formulation entitles non-citizens to the protection of certain rights by virtue of their identity alone, the process of incorporation requires taking into account the preferences and prerogatives of the existing members of the body politic, thus implicating a reciprocal relationship between the non-citizen and the polity. This difference between what it means to be respected as a person and what it means to be incorporated into the people reflects the difference between civil rights as a basic legal regime and civil rights as an ongoing social struggle.

I have given sustained treatment elsewhere to the personhood formulation of civil rights as it has applied in the immigration context. After considering the significance of personhood briefly, I therefore focus largely on what the definition of “the people” entails. I explore the place of non-citizens within that construct and consider the benefits and limitations of drawing from civil rights history as part of the inquiry.

On the one hand, immigration law developed in dialogue with the civil rights and civil liberties movements of the 1960s and 1970s, and meaningful similarities exist between the circumstances of many immigrants today and the subordinated groups whose struggle constituted the civil rights movement. Many poor, non-white immigrants perform essential but difficult labor, often at the mercy of the removal laws and without full capacity to defend their interests in the political process. But as important as these convergences might be, immigrant incorporation and the civil rights movement also implicate equities quite different in kind. Whereas the protagonists of the civil rights movement sought recognition of the full citizenship guaranteed to them at birth by the Fourteenth Amendment, immigrants seek entrance into a new polity

that has made no preexisting commitments to their inclusion.² Accepting these distinctions does not mean that debates over immigrant incorporation cannot benefit from application of the principles that triumphed in the civil rights movement, namely, equality and nondiscrimination on the basis of race. Instead, the distinctions highlight how justifications for immigrant incorporation have always (properly) taken their own shape, given the nature of the demands made on the polity.

Scholars have written at length about how personhood has been mobilized to challenge legal and social distinctions made between citizens and aliens.³ The literature reveals how courts, in cases involving non-citizens, have interpreted the constitutional provisions that protect the rights of persons to recognize certain universally applicable personal rights. The due process guarantees in the Fifth and Fourteenth Amendments of our Constitution, which promote rule of law values by restraining the government from arbitrary action, also have been invoked to advance human dignity by ensuring that persons are not deprived of basic liberty interests without adequate legal safeguards. The courts similarly have understood the equal protection clause as preventing states (though not the federal government) from denying generally available social welfare protections to at least lawfully present non-citizens (and, in limited circumstances, unlawfully present non-citizens). In so doing, the courts have highlighted how social policy goals that also promote equality and justice can be served by evenhanded treatment of non-citizens.⁴

This regime does not operate perfectly. Critics of the federal government's deportation policies would point to the government's failure to respect due process norms and take into account humanitarian con-

cerns when enforcing the law.⁵ Critics of the slew of state and local laws designed to crack down on unauthorized immigrants – Arizona's Support Our Law Enforcement and Safe Neighborhoods Act of 2010 (S.B. 1070) most notorious among them – have condemned the laws for violating the basic civil liberties of the unauthorized and giving rise to civil rights externalities in the form of racial profiling and use of aggressive police tactics, even against lawfully present immigrants and citizens.⁶ But when fully realized in practice – when legislatures exercise restraint in their treatment of non-citizens, when the executive engages in proportional enforcement, and when courts act as backstops to political actors' excesses – the personhood formulation meaningfully protects basic rights of immigrants.

Despite its relative stability in American law, however, the personhood formulation falls short of the sort of incorporation reflected in the highest ambitions of the civil rights project. As constitutional law scholar Ruth Rubio-Marín and I have written, "Despite the universalistic promise of a human rights discourse focused on personhood as the source of entitlement, the persistence of national sovereignty as an organising concept means that rights-respecting governments need not treat citizens and non-citizens equally."⁷ Personhood today does not entitle non-citizens to core elements of membership in the polity: namely, the right to remain in the United States and the right to vote.⁸ Personhood also does not require that existing members of the people take equal or even meaningful regard of non-citizens' political interests, or of their demands on public resources and institutions. These exclusions are justified not only by the persistence (and importance) of national sovereignty, but also by powerful socio-cultural norms that define polities as discrete entities comprised of persons tied

to one another for historical, emotional, and practical reasons. Indeed, personhood cannot confer the sociocultural dimensions of full membership – goods that can take time even for new citizens to acquire. And thus, an understanding of the civil rights of immigrants grounded in universal personhood norms is valuable, but it has a particular and limited meaning.

Determining who exactly may claim membership in the people ultimately involves ongoing political debate; perhaps the critical feature of “the people” as a concept is that it must be constituted over time. To be sure, the birthright citizenship rule of the Fourteenth Amendment reconstitutes the bulk of the people automatically with each generation. But defining the polity also involves identifying other potential members and establishing the terms of their full inclusion, which then occurs at different rates along legal, political, and social dimensions.

To understand how these dimensions of the nation-building enterprise unfold, we should begin with consideration of the very formal legal processes that define full membership. But it then will be crucial to appreciate how membership can transcend these formalities by emerging through quotidian social interactions. It ultimately should become clear that both the formal and informal mechanisms of incorporation have been shaped to some degree by civil rights norms, but that such norms have been elements of wider-ranging political processes that have highlighted the particular challenges immigration can pose to the concept of the nation.

The conventional, albeit oversimplified, narrative of immigrant incorporation into the people begins with legal migration, usually authorized for the benefit of an existing citizen or lawful resident, but also to protect persons fleeing persecution or other forms of disaster. A period of

legal residency follows, during which the non-citizen may claim nearly all the rights of citizens,⁹ and during which a process of political and social acculturation presumably occurs. The process then culminates in naturalization and the former alien’s incorporation into the range of legal rights and nonlegal benefits of full membership. This linear narrative sustains America’s self-conception as a nation of immigrants and offers an account of nation-building based on an ordered transition from alien outsider to fully assimilated citizen. Though debates persist over whether permanent residents ought to be guaranteed all the same rights as citizens, and the federal government remains free to remove non-citizens, block their naturalization, or otherwise discriminate against them in the distribution of benefits,¹⁰ the instability that attends noncitizen status remains limited in time, because those on this trajectory have been selected as eligible for ultimate incorporation.

Historically, the parameters of this narrative have been defined as much by the exclusion of certain groups as by a national commitment to turning immigrants into members of the people.¹¹ But over the course of the twentieth century, the United States eliminated categorical racial and ethnic exclusions from the law through processes that culminated in the Immigration and Nationality Act of 1965,¹² through which Congress finally abandoned the numerical quotas that limited the admission of immigrants from Southern and Eastern Europe, as well as from the “Asia-Pacific triangle.”¹³

The motivating factors for these developments were likely myriad. Typical interest-group politics and intra-governmental institutional concerns certainly shaped congressional action; Italian, Eastern European, and Chinese ethnic lobbies sought to open legal migration to their family members and coethnics,¹⁴ and the State Depart-

ment forcefully pressed its concern over the negative implications of a discriminatory immigration regime for foreign relations.¹⁵ But more idealistic references to the civil rights movement and the ethical and legal principles of nondiscrimination that emanated from it also inflected debates over whether and how to restructure the incorporation trajectory. As scholars have remarked, “The temporal coincidence (as well as discursive linkage) of immigration reform with the Civil Rights Act of 1964 and the Voting Rights Act of 1965 is too obvious to be missed.”¹⁶

Indeed, numerous lawmakers pursued immigration reform by vigorously defending application of formal egalitarian norms to the immigration code, arguing that a person’s national origin could not define his or her eligibility for entrance into the body politic. President Johnson, for example, exhorted Congress in his 1964 State of the Union to “return the United States to an immigration policy which both serves the national interest and continues our traditional ideals.” He observed that “[n]o move could more effectively reaffirm our fundamental belief that a man is to be judged – and judged exclusively, on his worth as a human being.”¹⁷ And in an April 1965 speech on immigration legislation, Vice President Hubert Humphrey was even more concrete, noting that “[w]e want to bring our immigration law into line with the spirit of the Civil Rights Act of 1964.”¹⁸ The politics as well as the achievements of the civil rights movement thus helped make the legal framework for immigrant incorporation both more open and stable. By removing the taint of racial preference from the law, the reforms of 1965 transformed the people as a concept into a body composed without regard to ancestry or race – a significant civil rights advancement.¹⁹

At the same time, while these shifts resulted in a more egalitarian code at a formal

level, as well as tangible benefits for certain existing citizens and residents, the idealism the reforms embodied grew largely out of a desire to promote American virtue by aligning the legal system with the nation’s developing self-conception as incompatible with racially defined citizenship, not from a particular vision of the membership claims of non-citizens. The reforms, accordingly, were process-oriented and did not occasion an especially broad or deep *popular* debate about how American society ought to use its exclusion powers to constitute the people. More important, despite its civil rights “perfectionism,” the conventional narrative cannot fully account for how “the people” actually have taken shape. Today, at least two trends in immigration law complicate the account of nation-building: the increased turn to legal but temporary labor migration and the rise of a population of unauthorized immigrants numbering in the millions. Though non-citizens in each category typically enter without any expectation of ultimate incorporation, their interests can mature into valid claims to membership, the legal foundations for which can be elusive. If we focus on unauthorized immigrants, in particular, it becomes clear that we must move beyond legal formalities to understand what constituting the people entails. It becomes necessary to traffic in sociological judgments and appreciate a far less ordered and more fluid understanding of nation-building than the step-by-step conventional narrative allows.

An appreciation of the fluidity of the people actually appears in constitutional doctrine, albeit in an underdeveloped way. Two insights characterize the courts’ reflections. First, not all persons within the United States or subject to the reach of U.S. law are part of the people, but the people encompasses more than the citi-

zenry. And second, membership can turn on the extent of one's earned connection to American society and may not be merely a function of legal status (though the birth-right citizenship rule does make membership a matter of happenstance for the vast majority of the polity).²⁰ In *United States v. Verdugo-Urquidez*, the Supreme Court famously expressed these ideas, suggesting that certain non-citizens possessed "[t]he right of the people to be secure in their persons" and thus the right to be free from "unreasonable searches and seizures," as guaranteed by the Fourth Amendment. The Court referred to the people as "a class of persons who are part of a national community or who have otherwise developed sufficient connection with this country to be considered part of that community."²¹ In *Johnson v. Eisentrager*, the Court conceptualized non-citizens' rights similarly, as existing along a trajectory defined by the degree of connection to the United States:

[T]he alien . . . has been accorded a generous and ascending scale of rights as he increases identity with our society. Mere lawful presence in the country creates an implied assurance of safe conduct and gives him certain rights; they become more extensive and secure when he makes preliminary declaration of intention to become a citizen, and they expand to those of full citizenship upon naturalization.²²

In other words, the Court has on some occasions articulated a concept of "the people" that entails earned membership but that does not necessarily map onto formal legal status – a concept legal scholar Hiroshi Motomura has called "immigration as affiliation."²³

The lower courts similarly have explored this sociological approach to defining membership, most recently in cases concerning whether the federal law that prohibits unauthorized aliens from possess-

ing firearms violates the Second Amendment "right of the people to keep and bear arms." On the one hand, no court appears to have struggled to uphold the statutory provision as consistent with the government's interest in regulating firearms. But the cases have provided occasion to explore how the people differ from persons as subjects of the Constitution.

The Tenth Circuit Court of Appeals, for example, expressed reluctance to limit the people protected by the Second Amendment to citizens²⁴ – a reluctance that appears to have been driven by the desire to maintain consistency in meaning across constitutional provisions, as well as by intuitions concerning the validity of certain non-citizens' claims to membership in some sort of American collective. In resolving the case before it, the Tenth Circuit observed that the unauthorized alien challenging the gun control law may well have belonged to the national community, by virtue of having "been here for decades and nowhere else."²⁵ As a consequence, the court subjected the elimination of his right by federal law to intermediate scrutiny, the form of judicial review invoked when significant interests or protected classes of persons are at issue. Similarly, a dissenting judge in a case decided by the Fifth Circuit Court of Appeals premised his conclusions even more squarely on an affiliation model, suggesting that a person, by virtue of simply having taken certain actions – living in the country for eighteen months, paying rent, supporting a family, and generally accepting social obligations to employers, his landlord, and his family – could claim to be part of the people. For this judge, one could accept societal obligations without complying with the immigration laws.²⁶ The sociological reality of the individual's life was what determined his membership.²⁷

Of course, despite its ruminations, the Tenth Circuit had little trouble in conclud-

ing that Congress had good reason to keep firearms out of the possession of persons present unlawfully, in part because of their inherent untrustworthiness.²⁸

But these Second Amendment cases still suggest that defining the people entails a competitive dynamic that demands consideration of the contributions made and risks posed by those seeking incorporation, and not just their legal status. The judges' reasoning highlights the fluidity of the concept of the people and the balancing of individual and social equities that goes into its definition. Embedded in the discussion of formal categories is thus a dialogue about who the Constitution, and the people themselves, might regard as complete members of the polity.

The unauthorized immigrant presents a particularly stark challenge to the formal mechanisms for defining membership. He embodies a collision between the sovereigntist belief in the state's ability to control the nation's composition by laying out *ex ante* procedures for incorporation and the notion of earned membership.²⁹ As legal scholar Linda Bosniak has explored, the unauthorized immigrant has long had a dual identity in American consciousness as both an outsider to and a member of the national community.³⁰ This duality reflects ambivalence about the membership of the unauthorized—ambivalence that appears even in cases regarded as victories for immigrants' rights. In *Plyler v. Doe*, for example,³¹ rather than squarely address the claims to social status of unauthorized immigrants, Justice Brennan emphasized the unauthorized child's lack of blame³² and the social policy implications of unequal treatment. In his explanation for his holding, Justice Brennan combined a commitment to an anti-subordination vision of equality with recognition of the social ills that would result from such inequality, emphasizing that:

Denial of education to some isolated group of children poses an affront to one of the goals of the Equal Protection Clause: the abolition of governmental barriers presenting unreasonable obstacles on the basis of individual merit. . . . The inestimable toll of that deprivation on the social, economic, intellectual, and psychological well-being of the individual . . . makes it most difficult to reconcile the cost or the principle of a status-based denial of basic education with the framework embodied in the Equal Protection Clause. . . . We cannot ignore the significant social costs borne by our Nation when select groups are denied the means to absorb the values and skills upon which our social order rests.³³

His approach thus underscores that the difficult question of whether to legally incorporate unauthorized immigrants cannot be answered exclusively as a matter of individual right. Instead, it must be the subject of political contestation that involves the weighing of social equities.

This contestation has been an ongoing feature of the political process, at least since the late 1970s, when members of Congress (and then the Reagan administration) began grappling with whether and how to legalize the existing population of unauthorized immigrants. Among the goals of reformers a generation ago was to bring the formal membership regime in line with a more sociological conception similar to the one described above. The debates culminated in the Immigration Reform Control Act of 1986, which acknowledged millions of unauthorized immigrants as functional members of American society by creating legal paths to their eventual citizenship (albeit in exchange for a redoubled commitment to enforcement).

And yet, whatever consensus might have existed at the time concerning the criteria for membership, it was short-lived.³⁴ Whereas in other societies, periodic legal-

izations occur as a matter of course, in the United States the debate over the moral and social status of unauthorized immigrants recurs. Today we are living through yet another period of heightened debate over who constitutes the people and what it might mean for unauthorized immigrants to claim membership in the polity, with persistent ambivalence still framing the debate.

The national-level legislation that would be required to resolve the status of the current unauthorized population has attracted meaningful support in recent years within Congress and among the public at large, but its passage has proven elusive. Perhaps the most vivid manifestations today of the ambivalence that stands in the way of a resolution are the voluminous and conflicting state and local efforts to address illegal immigration. As I have discussed at length elsewhere, this activity, which simultaneously treats illegal immigration as a social scourge and seeks to make it “functional,” reflects the polity’s protracted consideration of whether to regard unauthorized immigrants as *de facto* members, or as false claimants to society’s respect.³⁵ This debate, percolating in a decentralized fashion, has been fundamentally about whether an alien’s lack of legal status amounts to a technicality that can be fixed by formally recognizing sociological membership, or whether the fact of illegality defeats the legitimacy of a person’s claim to membership.³⁶

The fortunes of the Development, Relief, and Education for Alien Minors (DREAM) Act, the legislation first proposed in 2001 to provide unauthorized youth who meet certain conditions a path to lawful status and citizenship, also highlight the difficulty of achieving popular consensus. The claims of the affected youth, whose unlawful status initially resulted from the choices of others, might seem to present an easy

moral case for incorporation. The fact that most of the would-be beneficiaries of the DREAM Act are also functional Americans who have been socialized by our institutions would seem to establish the sort of commonality and connectedness that should make the granting of legal status an afterthought.³⁷ And yet the DREAM Act has languished in Congress, stymied in part by concern that rewarding illegal behavior would create perverse incentives for future illegal immigration.

But even as these examples of law reform reflect deep public disagreement, most participants in the debate over the membership status of the unauthorized share one basic assumption: that it is not tenable to maintain a large unauthorized population embedded in the nation’s social structures, because illegality has corrosive effects, whether on society or the immigrants themselves. For those who believe unauthorized status disqualifies non-citizens from membership, legal recognition remains anathema, and some combination of enforcement measures and imposition of legal disabilities becomes attractive as a means of reducing if not eliminating the population. But for those like me, who accept the premise that many of the unauthorized constitute members sociologically speaking, the imperative becomes to turn the ambivalence that has characterized the debate into broad support for legal recognition through legislation, to stabilize and anchor the social fact of membership.³⁸

In 2013, the country may be on the verge of expanding its membership rules in dramatic fashion. Any immigration legislation that does emerge likely will be the product of partisan and interest group trade-offs, and support for legalization in particular will continue to be built by appeals to the self-interest of politicians and the polity alike. But one of the lessons of the debates of the 1960s and 1980s is that

ideas can also matter – especially ideas that embody basic American values. In his account of what finally prompted Congress to enact the legalization program in 1986, legal scholar Peter Schuck contends that the standard pluralist model of the legislative process cannot explain the dramatic and expansionist policy adopted. He cites instead the power of ideas and values that “can precede interests as well as advance them,” contending that popular assumptions about the benefits of ethnic diversity and family unification, and the belief that human rights, civil liberties, and due process norms should govern our treatment of even illegal immigrants, “helped to galvanize a consensus around an expansive immigration policy.”³⁹

The enactment of a legalization program today thus may depend on advocates and lawmakers turning the sociological factors suggestive of the unauthorized immigrant’s actual membership into political arguments grounded in appeals to fairness, justice, and social welfare.⁴⁰ These arguments might call back to the paradigmatic civil rights movement, but they must also engage the unique membership questions posed by legalization. In its recent decision striking down most of Arizona’s S.B. 1070, the Supreme Court identified certain positive equities that might be entertained, including “whether the alien has children born in the United States, long ties to the community, or a record of distinguished military service.”⁴¹ These considerations parallel the factors scholars and activists have long highlighted, most common among them length of presence, extent of ties to the country, and existence of a criminal record⁴² – factors that combine notions of fairness and desert with an assessment of the existing polity’s interests. Presence and ties appear to stand in as proxies for de facto membership, defined in part by the extent of the non-citizen’s contribution, as well

as the potential disruption to his or her life or the lives of others that might attend an uprooting. And emphasis on criminal conduct reflects either an intuition that we ought to choose only members of good moral character, or a belief that past conduct can serve as evidence of the individual’s respect for the society into which he seeks incorporation.

Also relevant to the gestalt is the basis for the individual’s “illegality”: whether it arose because of a largely unconstrained choice, as a response to persecution or deprivation, or because of the choice of another, such as a parent.⁴³ This question requires interrogating our assumptions about illegality to determine whether it is best understood as an administrative violation, or whether it in fact reflects bad character or a moral transgression that obscures the equities in the non-citizen’s favor.⁴⁴ These questions, in turn, might prompt consideration of unauthorized immigrants’ motives, such as whether their actions reflect a desire for self-improvement and a willingness to work, or some less creditable motives. The legitimacy of these motives will be connected to the extent of the existing polity’s own “blame” for illegal immigration⁴⁵ – a complicity no less real because of the difficulty of quantifying it, or ascribing it to individual choices rather than systemic factors, such as allocation of enforcement resources or failure to properly channel economic and demographic pressures.

And finally, the transformation of the sociological case into a political claim for legal recognition requires consideration of incorporation’s likely effects on existing citizens and future iterations of the polity, including the possibility that incorporation would weaken the status of the least well-off and create incentives for future illegal immigration, which in turn would compound these negative effects.⁴⁶ This element requires an honest reckon-

ing with the question of whether the interests of the existing polity ought to take primacy over the interests of those seeking incorporation.⁴⁷ It should not be enough to assume in a nationalistic vein that the impact on existing citizens should always take precedence, at least not if that impact is more perceived than real, or if means of ameliorating the impact while also accounting for the interests of non-citizens can be identified. But failure to take into account the costs of incorporation for existing members would circumvent the reciprocal dimension of membership important to the long-term stability of the nation-building project.

An argument for the sociological membership of unauthorized immigrants that in turn justifies their legal recognition as part of the people ultimately demands an unwieldy balancing of interests. The incorporation debate thus must revolve around

the particular circumstances that define it. The conventional narrative casts a very long shadow over this debate, because the existing legal mechanisms of incorporation are perceived to be neutral and fair. But placing this narrative in proper historical perspective requires acknowledging its formal limitations and unintended consequences. The underlying premises of legalization are necessarily that the formal legal regime has failed and must be brought into line with the complex social structures that define actual membership, and that this realignment will promote equality and fairness while offsetting future social dysfunction. In the end, this vision of a better integrated society ties the immigration debate to the civil rights movement and the core commitments of the American polity, even as the vision depends on understanding the moral ambiguities associated with nation-building.

ENDNOTES

- ¹ For examples of this framing, see Cristina M. Rodríguez, “Immigration and the Civil Rights Agenda,” *Stanford Journal of Civil Rights and Civil Liberties* 6 (2010): 125–127.
- ² My aim here is largely descriptive—to provide a socio-legal account of how non-citizens become members of “the people.” I leave for another day whether the process of incorporation should be governed by certain moral imperatives, such that it might be illegitimate for existing members of the polity to exclude non-citizens who seek incorporation. For an influential defense of the polity’s right to exclude, see Michael Walzer, *Spheres of Justice: A Defense of Pluralism and Equality* (New York: Basic Books, 1983), 34–42.
- ³ For representative literature, see Hiroshi Motomura, *Americans in Waiting: The Lost Story of Immigration and Citizenship in the United States* (Oxford: Oxford University Press, 2006), 80–95; and Peter Spiro, *Beyond Citizenship: American Identity After Globalization* (Oxford: Oxford University Press, 2007), 81–108.
- ⁴ For discussion of this framework, see Cristina M. Rodríguez and Ruth Rubio-Marín, “The Constitutional Status of Irregular Migrants: Testing the Boundaries of Human Rights Protection in Spain and the United States,” in *Are Human Rights for Migrants? Critical Reflections on the Status of Irregular Migrants in Europe and the United States*, ed. Marie Dembour and Tobias Kelly (New York: Routledge, 2011), 74, 81–84, 92–98.
- ⁵ See Daniel Kanstroom, *Deportation Nation: Outsiders in American History* (Cambridge, Mass.: Harvard University Press, 2007), 3–5.
- ⁶ For an account of how immigration enforcement, particularly at the state and local levels, raises civil rights concerns, albeit different in kind from Jim Crow segregation, see Kevin R. Johnson, “Immigration and Civil Rights: State and Local Efforts to Regulate Immigration,”

Georgia Law Review 46 (2012): 629–638. Johnson asks, “[H]ow can racial profiling in border enforcement, massive detentions of non-citizens, and record levels of deportations not implicate civil rights concerns” (611). See also Kevin R. Johnson, “A Case Study of Color-Blindness: The Racially Disparate Impacts of Arizona’s S.B. 1070 and the Failure of Comprehensive Immigration Reform,” *UC Irvine Law Review* 2 (1) (2012): 352–356.

- 7 Rodríguez and Rubio-Marín, “The Constitutional Status of Irregular Migrants,” in *Are Human Rights for Migrants?* ed. Dembour and Kelley, 74.
- 8 For an account of these rights as “sovereignty” rights, see *ibid.*, 83.
- 9 For a discussion of this point, see Spiro, *Beyond Citizenship*, 81–108.
- 10 *Mathews v. Diaz*, 426 U.S. 67 (1976).
- 11 For an account of this discriminatory history, see Gabriel J. Chin, “The Civil Rights Revolution Comes to Immigration Law: A New Look at the Immigration and Nationality Act of 1965,” *North Carolina Law Review* 75 (1996): 279–297.
- 12 In the years leading up to the 1965 reforms, “cumulative ad hoc measures,” often driven by foreign policy, led to the gradual erasure of racial exclusion from the code. See Christian Joppke, *Selecting by Origin: Ethnic Migration in the Liberal State* (Cambridge, Mass.: Harvard University Press, 2005), 51–53. Congress, for example, eliminated the Chinese exclusion laws in 1943, and presidents used their executive authority to admit refugees from the otherwise disfavored region of Eastern Europe.
- 13 Pursuant to this scheme, which Congress added to the Immigration and Nationality Act in 1952 to replace the “Asiatic Barred Zone,” two thousand visas were allocated annually for “all nonwhite immigrants born within an Asian-Pacific Triangle stretching from India to Japan to the Pacific Islands.” See Daniel J. Tichenor, *Dividing Lines: The Politics of Immigration Control in America* (Princeton, N.J.: Princeton University Press, 2002), 191.
- 14 Joppke, *Selecting by Origin*, 55.
- 15 See Tichenor, *Dividing Lines*, 176–181. Scholars have identified this dynamic in the passage of civil rights legislation generally. For influential accounts, see John Skrentny, “The Effect of the Cold War on African-American Civil Rights,” *Theory and Society* 27 (1998): 237–285; and Mary Dudziak, “Desegregation as a Cold War Imperative,” *Stanford Law Review* 41 (1988): 61–120.
- 16 Joppke, *Selecting by Origin*, 56.
- 17 Quoted in *ibid.*, 261 n.66.
- 18 Quoted in Tichenor, *Dividing Lines*, 215; see also Chin, “The Civil Rights Revolution Comes to Immigration Law,” 300–302.
- 19 In his work on the subject, Jack Chin challenges the view that the 1965 Act was designed to expand white Southern and Eastern European immigration; see Chin, “The Civil Rights Revolution Comes to Immigration Law,” 275. He argues that “Congress meant exactly what it said – that race was no longer to be a factor in America’s immigration law” (278). He points to evidence throughout the legislative record suggesting that lawmakers were aware that they might transform the country’s demography by enabling the admission of large numbers of Asian immigrants, in addition to Europeans, underscoring the dramatic egalitarian nature of the reforms (303–321).
- 20 The adoption of this rule in 1868 undid the most discredited of the Supreme Court’s efforts to define “the people,” in *Dred Scott v. Sandford*. The Court concluded that blacks were “not included, and were not intended to be included,” and that, at the time of the Constitution’s formation, they were thought to be a “subordinate and inferior class of beings, who had been subjugated by the dominant race, and, whether emancipated or not, yet remained subject to their authority, and had no rights or privileges but such as those who held the power and the Government might choose to give them”; see *Dred Scott v. Sandford*, 60 U.S. (19 How.) 393 (1857).

²¹ 494 U.S. 259, 265 (1990). In his concurring opinion, Justice Kennedy rejects this construct and writes: “Given the history of our Nation’s concern over warrantless and unreasonable searches, explicit recognition of ‘the right of the people’ to Fourth Amendment protection may be interpreted to underscore the importance of the right, rather than to restrict the category of persons who may assert it” (at 276).

²² 339 U.S. 763, 770 (1950).

²³ Motomura, *Americans in Waiting*, 11 – 12.

²⁴ *United States v. Huitron-Guizar*, 678 F. 3d 1164, 1166, 1168 (10th Cir. 2012).

²⁵ *Huitron-Guizar*, at 1169.

²⁶ See *United States v. Portillo-Munoz*, 643 F.3d 437, 442 – 443, 446 (5th Cir. 2011) (Dennis, J., concurring in part and dissenting in part). In elaborating this view, the dissenter tacks back and forth between an effort to define the people as a term of art and the more fundamental concept of the person reflected in the due process precedents, thus demonstrating how robust defenses of the rights of personhood inevitably inform articulation of the collective people (at 445 – 446). To this dissenter, the rights to bear arms, to be free from unwarranted searches, and to peaceably assemble, which all belong to “the people,” represent mechanisms of self-defense against the state that all persons who make their home in the United States ought to be considered to possess (at 444).

²⁷ Linda Bosniak, for example, expresses her sympathy for an “ethical territoriality” according to which membership is treated as “a matter of social fact rather than as a legal formality”; see Linda Bosniak, “Being Here: Ethical Territoriality and the Rights of Immigrants,” *Theoretical Inquiries in Law* 8 (2) (2007): 392.

²⁸ *Huitron-Guizar*, at 1170. Both the Tenth and Fifth Circuits found it permissible for the government to prevent unauthorized aliens from possessing firearms, and in the course of so finding described unauthorized immigrants as having unknowable identities – as persons “who . . . are likely to maintain no permanent address in this country, elude detection through an assumed identity, and already living outside the law, resort to illegal activities to maintain a livelihood”; see *Portillo-Munoz*, at 441.

²⁹ Catherine Dauvergne writes: “Globalization brings a range of pressures to national borders, and they are increasingly permeable to flows of money and ideas. . . . Although it is evident that prosperous states would like to assert complete control over those who cross their borders, it is equally evident that this is not possible. Or, at least, that states (especially democratic capitalist ones) are not willing to undertake the trade-offs (mostly economic) that would be necessary to come anywhere close to achieving this goal”; see Catherine Dauvergne, *Making People Illegal: What Globalization Means for Migration and Law* (Cambridge: Cambridge University Press, 2008), 17.

³⁰ Linda Bosniak, “Exclusion and Membership: The Dual Identity of the Undocumented Worker Under United States Law,” *Wisconsin Law Review* (1988): 956.

³¹ 457 U.S. 202 (1982).

³² Justice Brennan invoked justice as a basis for his conclusion, noting that “legislation directing the onus of a parent’s misconduct against his children does not comport with fundamental conceptions of justice. . . . [I]mposing disabilities on the child is contrary to the basic concept of our system that legal burdens should bear some relationship to individual responsibility or wrongdoing”; see *Plyler*, at 220 (quotations omitted).

³³ *Ibid.*, at 222.

³⁴ As Daniel Tichenor has documented, in implementing the Immigration Reform Control Act, the Reagan administration “set out to restrict the number of amnesty grants that were issued” under the statute; see Tichenor, *Dividing Lines*, 263 – 265.

- ³⁵ See Cristina M. Rodríguez, “The Significance of the Local in Immigration Regulation,” *Michigan Law Review* 106 (4) (2008).
- ³⁶ The Supreme Court’s recent intervention into this debate through its decision to strike down most, but not all, of Arizona’s S.B. 1070 will limit the tools with which states and localities may respond to anti-incorporationist sentiments in particular, but it remains to be seen how the Court’s decision will affect the broader debate over whether and how to incorporate unauthorized immigrants. By limiting the states’ capacity for action, the decision might accelerate the debate at the federal level, though the same opposition to incorporation reflected in Arizona’s enforcement laws may simply entrench the stalemate in Congress. See *United States v. Arizona*, 567 U.S. ___ (2012).
- ³⁷ As Joseph Carens has put it, “Human beings who have been raised in a society become members of that society: not recognizing their social membership is cruel and unjust”; see Joseph Carens, “The Case for Amnesty,” *Boston Review* (May/June 2009), <http://bostonreview.net/BR34.3/carens.php>.
- ³⁸ This imperative feels urgent, but its realization demands patience. As the history of the 1986 reforms highlights, a legislative breakthrough can take years of agitation; though the 1980s began with an American public “convinced that the country had lost control of its borders” and willing to “embrace . . . harsh crackdowns on illegal immigration,” by the middle of the decade, previously unthinkable legislative victories had been won. Tichenor, *Dividing Lines*, 242.
- ³⁹ Peter H. Schuck, *Citizens, Strangers, and In-Betweens: Essays on Immigration and Citizenship* (Boulder, Colo.: Westview Press, 1998), 93 – 96. For a detailed account of the forces responsible for the 1986 reforms, see Tichenor, *Dividing Lines*, 261 – 262.
- ⁴⁰ The willingness of unauthorized youth to publicly state their claims to membership provides something of a model, as their actions helped create the political and moral pressure that prompted the Obama administration to announce its plan for deferred action for childhood arrivals – a plan that has allowed those who meet certain eligibility criteria to be considered for a form of temporary relief from removal and authorization to work. See the memorandum from Janet Napolitano, Secretary of Homeland Security, to DHS Officials, “Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children,” June 15, 2012, <http://www.dhs.gov/ynews/releases/20120612-napolitano-announces-deferred-action-process-for-young-people.shtm>.
- ⁴¹ *Ibid.*, 4 – 5.
- ⁴² Joseph Carens has argued that “[i]rregular migrants should be . . . allowed to remain with legal status as residents – if they have been settled for a long time. Some circumstances – arriving as children or marrying citizens or permanent residents – may accelerate or strengthen their moral claims to stay”; see Carens, “The Case for Amnesty.” Rogers Smith has called for legalization of those who have been present at least ten years and who do not possess a criminal record, on the ground that such a conservative proposal would stand a chance of “breaking the destructive gridlock on immigration”; see Rogers M. Smith, “A More Conservative Proposal has a Better Chance of Succeeding,” *Boston Review* (May/June 2009), <http://bostonreview.net/BR34.3/smith.php>. Linda Bosniak has developed an argument she calls “ethical territoriality,” or the “conviction that rights and recognition should extend to all persons who are territorially present within the geographical space of a national state by virtue of that presence”; see Bosniak, “Being Here,” 390 – 391.
- ⁴³ As Catherine Dauvergne has emphasized, “The minimal content of the term ‘illegal’ obscures the identities of those to whom it is affixed”; see Dauvergne, *Making People Illegal*, 16.
- ⁴⁴ Dauvergne notes the increasing shift in perception toward illegality as criminal in a “mala in se sense”; see *ibid.*
- ⁴⁵ For an account of how U.S. immigration policy since 1986 has contributed directly to the rise of illegal immigration, see Douglas S. Massey, Jorge Durand, and Nolan J. Malone, *Beyond Smoke and Mirrors: Mexican Immigration in an Era of Economic Integration* (New York: Russell

Sage Foundation, 2002), 73–104. These scholars also have identified the reforms of 1965 as a culprit in the creation of large-scale unauthorized immigration. These and other legal reforms meant that between 1968 and 1980, the number of visas available to Mexicans “dropped from an unlimited supply” to twenty thousand per year; coupled with demographic and economic factors, the changes in the law meant that “only one outcome was possible: an explosion of undocumented migration” (43–44).

⁴⁶In *United States v. Arizona*, the Supreme Court described additional concerns, relying on reports presenting descriptive statistics, as well as anecdotal evidence: “Accounts in the record suggest there is an ‘epidemic of crime, safety risks, serious property damage, and environmental problems’ associated with the influx of illegal migration across private land near the Mexican border”; see *Arizona*, at 6.

⁴⁷Carol Swain has emphasized consideration of the “impact of illegal immigration on the most vulnerable members of American society: native-born Americans and legal immigrants with low skills and low levels of education”; and has contended that moral claims of these individuals “trump” those of the “unknown millions who are in the country illegally.” See Carol M. Swain, “Apply Compassion Offered Illegal Immigrants to the Most Vulnerable Citizens,” *Boston Review* (May/June 2009), <http://bostonreview.net/BR34.3/swain.php>.

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Inside back cover: Parents with babies in strollers march to City Hall in Los Angeles on May 1, 2007. The march was one of several May Day marches and rallies in Southern California and in at least seventy-five cities nationwide to press for immigrant and labor rights. © David McNew/Getty Images.



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