

The Challenges of Immigration to Race-Based Diversity Policies in the United States

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The United States prides itself on being a nation of immigrants. The successful integration of millions of immigrants in the eighteenth, nineteenth and twentieth centuries remains a great and celebrated national accomplishment. The current immigration flows, which began in the 1960s and continue at very high levels (1.2 million per year), pose some of the same challenges the country faced before, as well as new issues and dilemmas. Indeed, much of the scholarly and public policy debate over the integration of new immigrants is related to whether immigrants today will be assimilated into American society as successfully as earlier immigrants from Europe were, or whether new policies are now required to address a series of factors: different immigrant populations (non-Whites from the Caribbean, Latin America, Asia and Africa); different ideologies about integration (a stress on multiculturalism and an acceptance of diverse cultures); and changes in technology and transport that make sustained transnationalism more viable (Foner and Frederickson 2004; Foner 2005). There is no doubt that immigrants are making the United States more diverse each year. But US policies directed at managing diversity generally do not target immigrants per se. Rather, they target America's racial divisions — most principally, that affecting the 12 percent of America's population who are African American descendants of slaves.

Immigration policy in the United States tends to focus almost exclusively on determining whom to let in and how to deal with illegal immigrants. Only refugees are

eligible for government assistance and integration programs. Most immigrants are not given any government assistance as immigrants (although legal immigrants can qualify for government assistance if they are poor). For the most part, cultural, social, civic, economic and political integration of immigrants and their descendants has been left to market forces, the immigrants themselves and voluntary organizations.¹ Thus, specific policies to help immigrants integrate are very rarely directed at immigrants qua immigrants. Instead, there are policies directed at racial and ethnic minorities, including a large number of immigrants and their children; policies directed at low-skilled, uneducated workers, which prompt debate about who is eligible for welfare state provisions; and policies that affect immigrants through the institutions that have an impact on their lives, such as the educational, housing and health care systems.

Current debates about managing diversity related to immigration in the United States focus on the prevalence of English-language use, the relationship of different categories of immigrants to the welfare state, and policies to manage racial diversity and end racial inequality. In this chapter, we review developments in each of these policy areas. We argue that the debates over language are largely irrelevant — a very clear case of political grandstanding on an issue that has little empirical reality. The United States has always been, and continues to be, extremely effective at stamping out any language other than English within one or two generations. We also review recent changes to the welfare system that deny the social service safety net to immigrants, legal and illegal alike. These policy changes are important, because they have begun to create different categories among legal immigrants. Previously, legal permanent residents were indistinguishable from citizens in most categories of US law. The new distinctions

created by welfare laws could have long-term effects on how the nation thinks about and reacts to immigrants.

We then discuss the challenges current immigration poses for race-based diversity policies. Current immigration, which is comprised of mostly non-White immigrants, complicates debates over managing racial diversity in our society. The cultural acceptance and full integration of immigrants and their descendants in the past stands in rather sharp contrast to the caste-like separation of Blacks from Whites and the systematic oppression of Blacks throughout American history, as well as the legal discrimination and exclusion faced by other non-Whites — Mexicans, Puerto Ricans, Asians, Pacific Islanders and American Indians. Specific policies developed to change the racial hierarchy in the United States — the Voting Rights Act, anti-discrimination laws and affirmative action policies — were not designed to address the issue of integrating and absorbing immigrants. They instead address long-standing patterns of racial inequality. As Nathan Glazer puts it in his ironically titled book We Are All Multiculturalists Now, “Multiculturalism is the price America is paying for its inability or unwillingness to incorporate into its society African Americans, in the same way and to the same degree it has incorporated so many other groups” (1997, 147). Yet the liberalization of the immigration law in 1965 and the resulting demographic shift in the sources of immigrants has meant that policy designed for one purpose — changing the relative standing of native minorities — has come to be used as policy for managing current diversity.

We argue that immigrants and their descendants, because they are defined in the US as non-Whites, are both being helped by and, ironically, undermining the US's most far-reaching diversity policy: affirmative action. Because they are identified as Black, Hispanic or Asian, first- and second-generation immigrants qualify for race-based advantages in hiring and university admission. But this program was designed and sold to the American public as a way to help African Americans overcome the crippling effects of slavery and the state-sanctioned repression that existed until the 1960s, when it was finally laid to rest by the American Civil Rights Movement .

Over time, this program has come to be interpreted less as a policy to redress past harm and more as a policy to guarantee diversity by race in the country's key institutions — corporate workplaces, universities and professions [How is “professions” an institution? Is there a better term?]. This diversity has increasingly been represented by first- and second-generation immigrants. The growing demographic complexity of the non-White population, the relative success of first- and second-generation immigrants and their offspring, and the increase in blended identities (the result of intermarriage) fuelled by successful immigrant integration create problems in terms of the race-based diversity policies that we lay out in this chapter.

We conclude by arguing that while diversity policies do help somewhat in the integration of immigrants, the most important policy issue affecting immigrant integration is the future shape of the American economy. We maintain that the economic incorporation of immigrants and the lack of a specific policy of immigrant incorporation have led to an openness and acceptance of immigration among native-born Americans and have facilitated the cultural assimilation of immigrants and their children. However,

rising income inequality, wage stagnation among poorly educated workers, and the huge problem of undocumented workers and their children will present significant challenges in the years to come. These challenges threaten American cultural incorporation of newcomers much more than issues of language or other cultural differences, despite the attention given to these issues in popular debates.

[Subhead level 1 (SH 1)] Demographics

New immigrants make the United States more diverse in terms of race and ethnicity; in terms of social class, as measured by educational attainment; in terms of linguistic background; and in terms of religion. Most attention has been directed toward ethnic, racial and linguistic diversity; less attention has been paid to social class and religion. The 2000 US Census counted 281 million people, of whom 31.1 million, or 11.1 percent, were foreign-born. Another 10 percent were the children of immigrants, so that currently at least one in five Americans are first or second generation. Only 14 percent of the foreign-born in the United States are from Europe. The largest group (43 percent) is from Latin America (including Central America, South America and the Caribbean), while 25 percent are from Asia, and 8 percent are from other regions of the world, such as Africa and Oceania. Mexicans are the largest single group of the foreign-born, and they now comprise 27 percent of all foreign-born. In addition to Mexico, the top 10 countries of birth of the foreign-born are China, India, Korea, the Philippines, Vietnam, Cuba, the Dominican Republic and El Salvador. At the beginning of the current wave of immigration, which was triggered by the liberalization of the immigration law in 1965, the United States was primarily a nation divided between Blacks and Whites. In 1970, 88

percent of the US population was White, 11 percent was Black and less than 1 percent consisted of American Indians, Asians and Hawaiians. Hispanics, who are counted differently in the census and can be of any race, accounted for only 5 percent of the total 1970 US population. By 2000, the effects of immigration were readily apparent in the demographics of the country — 75 percent of the population was White, 12 percent Black, 4 percent Asian and 13 percent Hispanic. American Indians increased in number over the 30-year period (through new people claiming or discovering their Indian heritage), but they still made up less than 1 percent of the population.

In addition to changing the relative numbers of the different races and ethnic groups in the United States, immigration has also changed the generational distribution within American race and ethnic categories. Table 1 shows the generational distribution of each of the nation's major race/ethnic groups. As Roberto Suro and Jeffrey Passel point out, in the mid-twentieth century, the US Latino population was dominated by the 3+ [Please explain "3+"]. generation — a group that was generally distant from the immigrants who could be considered a native minority (2003, 6). By 2000, the majority (68 percent) of Latinos were first or second generation. Indeed, only Blacks and American Indians in 2000 were a majority nonmigrant stock. Even Blacks — the group whose experience most racial policies in the United States was designed to address — were now 10.2 percent first or second generation.

[Insert table 1]

Immigration has not only affected racial diversity in the United States but has increased class and religious diversity as well. Immigrants are overrepresented among those with low levels of education. According to the census, among people aged 25 and

over, 85 percent of native-born Americans have completed high school or have a higher degree, while the figure is only 67 percent for immigrants. The foreign-born are especially overrepresented among those with low levels of education. Approximately 7 percent of the foreign-born have less than five years of schooling, 15 percent have between five and eight years, and another 10.8 percent have between 9 and 11 years. In terms of employment, immigrants are concentrated among low-wage workers. While immigrants account for one in nine US residents, they account for one in five low-wage workers (defined as those who earned less than twice the minimum wage in 2001). Thus the fortunes of low-wage workers in American society disproportionately affect immigrants and their families.

Immigration also adds to the country's religious diversity; 75 to 80 percent of Americans are Christian and 5 percent are of a non-Christian religion. Among new immigrants there is more religious diversity: two-thirds of new immigrants are Christian, the majority being Catholic; 20 percent report a non-Christian faith; and one in six report no religious identity at all. In contrast to Western Europe, the US has received very little Muslim immigration. Muslims in the United States total about 3 million, less than 1 percent of the total population (Warner 2004).

[SH 1] Language Diversity in the US

Language is one of the most controversial issues related to immigration. The ability of immigrants and their offspring to speak English is a potent political matter. In his attack on Mexican immigration to the United States, political scientist Samuel Huntington argues that today's Latino immigrants and their children form "linguistic enclaves" and

do not learn English (2004). Responding to a 1996 General Social Survey (GSS) question, 63 percent of Americans supported passage of “a law making English the official language of the United States, meaning government business would be conducted in English only” To a 2000 GSS question, 75 percent of Americans replied that they agreed with the statement, “Speaking English as the common national language is what unites all Americans.” Twenty-seven states have responded to this perceived threat by passing laws requiring that all government activity be conducted in English (National Opinion Research Center Various dates).

These “English only” laws vary by state. Some states just symbolically declare English their official language. Others employ more far-reaching measures, mandating that all ballots be in English, banning courtroom translations or restricting bilingual education. At the same time, the federal government, with the Civil Rights Act, 1964, mandated that federal agencies ensure all of their services are available to people who have limited proficiency in English. In practice, this means that most federal services and programs do provide translation for large language groups, such as Spanish-speakers. The last US Census, for example, was printed in five commonly used languages in addition to English, and enumerators and call centres were staffed by multilingual workers.

Despite the sometimes heated nature of public debate about language use by immigrants and their children and the related debate about bilingual education, the fear is unfounded. While the absolute number of people who speak a language other than English in their homes is quite high — 47 million — language-use changes documented over time point to high levels of language assimilation. Frank Bean and Gillian Stevens, using data from the 2000 US Census, point out that among immigrants from non-English-

speaking countries, only 10 percent did not speak English. They find a strong positive association between the length of time the foreign-born spend in the US and their English fluency (Bean and Stevens 2003).

The United States has always been very efficient at stamping out other languages and quickly assimilating the children of immigrants linguistically. And the consensus among immigration researchers is that the standard three-generation model of linguistic assimilation prevails in the US. This model of language assimilation — the immigrant generation makes some progress, but their native tongues remains dominant; the second generation is bilingual; the third generation is monolingual English — appears to hold for most of today's immigrants. Using 1990 Census data, Richard Alba, John Logan, Amy Lutz and Brian Stults find that among Mexicans and Cubans, by the third generation two-thirds to three-quarters (respectively) of the groups do not speak any Spanish (2002). Suro and Passel analyzed data from the 2002 National Survey of Latinos and showed that among Spanish-speakers, by the third generation no one is Spanish dominant (2003) (see table 2).

Insert table 2

A vivid example of the disconnect between knowledge of this issue among social scientists and the concerns of the general public is the recent social science speculation that some linguistic assimilation can happen too quickly. Alejandro Portes and Ruben Rumbaut argue that when children abandon their parents' language too quickly, the parents lose authority over the children (2001). This dissonant acculturation leads to a situation in which communication between parents and children is impeded — parents cannot understand English well, and children cannot understand the immigrant language

well. Portes and Rumbaut also maintain that children who stay fluently bilingual will do best academically. Other researchers have found a correlation between fluent bilingualism and academic achievement among second-generation-immigrant schoolchildren (Bankston and Zhou 1995; Warren 1996). [The previous two sources do not appear on the reference list; please provide reference-list entries for them.] In a study of Asian and Latino youth using 1990 Census data, Cynthia Feliciano found that bilingual students are less likely to drop out of school than English-only speakers, students living in bilingual households are less likely to drop out than those in English-dominant or English-limited households, and students living in immigrant households are less likely to drop out than those in nonimmigrant households (2001). [Feliciano source does not appear on reference list; please provide a reference-list entry.]

Why are Americans so worried about the preservation of English, when careful data analysis shows such rapid language assimilation? The high levels of immigration mean that much language assimilation is invisible to the average American. While immigrants who have been in the US for many years acquire English, and while their children grow up fluent in English, they are quickly replaced by new arrivals who only speak their native languages. The large cohort of Spanish-speakers in the US is particularly obvious because of its concentration in certain cities and regions and because of the growth of Spanish media — radio and TV. US-produced Spanish programming not only serves immigrants to the US, but it is also disseminated throughout Latin America. Language is thus a highly visible and emotional issue for those Americans who fear elevated levels of immigration. Their fear is understandable, given the constant replenishment of foreign-language speakers through immigration; but it is not justified or

rational, given the rapid language assimilation that is occurring over time and across generations.

[SH 1] Different Categories of Immigrants and the Welfare State.

As Christian Joppke points out, integration policies in the European Union are shifting toward civic integration, with the underlying agenda of making immigrants less reliant on the welfare state and more socio-economically integrated in the host society (see Joppke's chapter in this volume for a review of integration policies in the European Union). This is done through both obligatory and voluntary language and civics courses. In contrast, the United States — for better or worse — has no policies aimed specifically at facilitating the integration process. Immigrants to the US — with the exception of refugees — are left on their own when it comes to integration. In the majority of cases, the route to integration is through the labour market, as immigrants obtain jobs and attempt to climb the social ladder. This self-integration process also entails the strategic use of existing race-based policies to gain entry into key American institutions. Access to social and welfare benefits is, perhaps, the only area where there are immigrant-specific public policies. However, these policies are not intended to regulate and distribute societal goods — rather, they are meant to control and limit immigrants' access to societal resources. By bracketing immigrants in citizen/noncitizen categories via legal/illegal residency status, the government shows that it is not really concerned with incorporating immigrants per se but rather with policing immigrants' penetration of the welfare state.

In the United States, immigrants are grouped into five main categories: legal permanent residents; naturalized citizens; undocumented immigrants; refugees, asylees and parolees; and legal nonimmigrant residents. Legal immigrants, or immigrants admitted for permanent residence (LPRs), constitute about 9.3 million (or 30 percent) of America's 30 million foreign-born residents. Naturalized citizens make up another one-third (or 9.2 million) of the immigrant population, while undocumented immigrants comprise about 28 percent of the foreign-born (Fix and Passel 2001). Wayne Cornelius estimates that of the one million immigrants who enter the United States annually, approximately 500,000 are undocumented (2005).

This categorization not only denotes residency status but also determines what kinds of social welfare benefits immigrants are entitled to. In 1996, immigrant eligibility for public benefits was drastically curtailed by the Personal Responsibility and Work Opportunity Reconciliation Act, 1996 (PRWORA) and the Illegal Immigration Reform and Immigrant Responsibility Act, 1996 (IIRAIRA). PRWORA denies most types of federally funded means-tested assistance to noncitizens who arrived after the legislation was signed and limits the eligibility of many noncitizens already living in the United States (Borjas 2002, 2). Federal public benefits, which have not yet been identified by all of the relevant federal agencies, are defined generally by statute as, "any grant, contract, loan, professional license or commercial license provided by" a US agency and "any retirement, welfare, health, disability, public or assisted housing, postsecondary education, food assistance, unemployment benefit or any similar benefit" (Broder 2005, 761). The determination of what constitutes a means-tested federal public benefit is left to the individual agency to define, however. For example, the US Department of Health and

Human Services defines the services in box 1 as being “public funded benefits” (2004).

[Insert box 1]

The 1996 welfare reform legislations created three categories that serve as the basis for determining eligibility for most benefit programs: “qualified” immigrants; “not qualified” immigrants; and persons who are lawfully present in the United States (Broder 2005, 759). Immigrants who qualify for federal benefits and services include: legal permanent residents; asylees; refugees; immigrants paroled into the US for at least one year²; immigrants whose deportations are being withheld; immigrants granted conditional entry (prior to April 1, 1980); battered immigrant spouses, battered immigrant children, the immigrant parents of battered children and immigrant children of battered parents who fit certain criteria; Cuban or Haitian entrants; and victims of a severe form of trafficking (National Immigration Law Center 2005b). These qualified immigrants are, however, subject to certain time-limited eligibility criteria. For example, even qualified immigrants face a five-year waiting period before they can become eligible for food stamps and Supplemental Security Income (SSI).³

All noncitizens who do not fit into one of these categories are considered “not qualified.” Unqualified immigrants are those who either entered without documents or overstayed their visas and who have no basis for obtaining lawful status. Also unqualified are some applicants for immigration benefits, such as applicants for cancellation of removal, adjustment of status, asylum and registry, as well as persons who are otherwise lawfully [or “unlawfully?”] present in the United States. Unqualified immigrants are barred from receiving federal public benefits (Broder 2005, 761).

Despite the changes in legislation, most states have chosen to continue providing some form of state-funded benefits to unqualified immigrants (Borjas 2002). Approximately 20 states use state funds to provide Temporary Assistance for Needy Families (TANF), Medicaid and/or the State Children's Health Insurance Program (SCHIP) to some or all of the immigrants who are subject to the five-year bar on federally funded services (National Immigration Law Center 2005 [2005a or 2005b?]). The 1996 legislative reforms did manage to achieve one of their objectives — that is, they reduced the time many immigrants spent on the welfare rolls. Borjas noted that there was a precipitous nationwide decline in the welfare participation rates of immigrant households relative to that of the households of the US-born (2002). But most of the decline is attributable to the decreased welfare participation of immigrants in California. Elsewhere in the country, the welfare participation rates for immigrant and native households are similar.

Not surprisingly, undocumented immigrants have the least claim to social benefits. They are ineligible for federal means-tested programs such as SCHIP, TANF and SSI. They may, however, receive the following benefits and services, which are deemed necessary for health and survival: US-born children of undocumented immigrants are eligible for food stamps; undocumented immigrants who cannot pay or who have no medical insurance receive emergency Medicaid at public hospitals, and those who can pay get discounted medical care; the children of undocumented immigrants attending public primary and secondary schools are given free breakfasts and lunches; undocumented immigrants who have been abused or whose children have been abused by their US-citizen or lawful-permanent-resident-status partner may be eligible

for public benefits and for green-card status. Social welfare benefits for undocumented immigrants can also vary from state to state. In New York, for example, immigrants are eligible for services such as public housing, Medicaid, prenatal care or workers compensation, irrespective of their legal residency status (Children's Aid Society 2003).

Despite the fact that undocumented immigrants have free access to public primary and secondary schools, they are not guaranteed access to higher education at public institutions. Section 505 of the Illegal Immigration Reform and Immigrant Responsibility Act, 1996 prohibits undocumented immigrants from receiving in-state tuition rates at public institutions of higher education. The law further imposes financial penalties on states that provide in-state tuition for undocumented immigrants by requiring the states to provide the same benefit to US citizens in the same circumstances, regardless of their residence (National Immigration Law Center 2005a). Michael Fix and Randy Capps estimate that 65,000 undocumented children graduate each year from American high schools (2005). Yet, because of their illegal status, the majority of these children do not qualify for federal aid or scholarships (most scholarships, including federal aid, require US citizenship or a green card), and thus they do not have the financial means to pursue a college degree. Less than 10 percent of undocumented high school graduates go on to college (National Immigration Law Center 2005a).

Human rights and immigrant advocates point out the irrationality of section 505, which actually penalizes hard-working, academically oriented immigrant youth wishing to increase their human capital. Proponents of the law argue that the US government should not reward clandestine immigration by providing reduced tuition rates to undocumented immigrants, even if these people spent most of their childhood and

adolescence in the same schools as US-born and LPR children. The debate over in-state tuition for undocumented immigrants is highly publicized and politically charged because it speaks to the very heart of the US's ongoing love-hate relationship with immigration.

Despite the objection to “rewarding” clandestine immigration, some states have decided that the social benefits of providing affordable higher education to undocumented immigrant youth far outweighs the costs. Currently, nine states — Texas, California, New York, Utah, Illinois, Washington, Oklahoma, New Mexico and Kansas — allow undocumented immigrant students to pay in-state tuition fees (National Immigration Law Center 2005a, 1). In order to qualify for in-state tuition, undocumented immigrant students must have attended primary and/or secondary school within the state. Specific school residency requirements vary from state to state. Legislation to allow in-state tuition rates for undocumented immigrants is pending in 14 other states.

An important pending legislation in the Senate that might change the fate of undocumented immigrant students wishing to pursue higher education is the Development, Relief and Education for Alien Minors (DREAM) Act. The DREAM Act would repeal section 505 of the Illegal Immigration Reform and Immigrant Responsibility Act, 1996. The legislation would also provide a mechanism for undocumented students to become legal permanent residents and to qualify for federal student aid. Hence, the DREAM Act may be a key pathway for undocumented immigrants to obtain legal residency status. It would also end the penalization of states that provide in-state tuition to undocumented immigrant residents. Although the DREAM Act would eliminate the federal penalty, it does not mandate that states provide in-state tuition to undocumented immigrants. Therefore, even if the DREAM Act passes, each

state would ultimately have discretionary power to allow or disallow undocumented immigrants to benefit from in-state tuition rates (National Immigration Law Center 2005a, 3).

Note that the debate in the US about social welfare and immigration is hardly ever framed as relating to how immigrants can best be assimilated or integrated into the society. Instead, it focuses on the withholding of benefits from immigrants based on their visa and citizenship status.

[SH 1] The Redesign of the Citizenship Test

While not ordinarily classified as diversity management policy, the set of regulations governing citizenship does actually manage the diversity resulting from immigration. Citizenship is one public policy strategy through which the United States government attempts to unify racially, ethnically, religiously and linguistically diverse groups by encouraging a common American civic identity. Peter Schuck notes that US naturalization laws “promote diversity by providing eligibility requirements that are easy to satisfy relative to the [more rigorous] naturalization statutes in Europe and Japan” (2003, 96). For example, the English and literacy tests are very easy to pass and have many exemptions. Nonetheless, there is still an underlying expectation that individuals living on American soil, and particularly those wishing to partake in the benefits of American citizenship, subsume some aspects of their ethnic identity in an American identity emphasizing a shared ideology that reflects a “commitment to a set of civic ideals that speak in universal terms and are accessible to all of humanity” (Shuck 2003, 98).

It has not been widely discussed in the media or in public policy circles, but the test immigrants take to gain citizenship is undergoing revision. When the proposed changes are made public, it may become a topic of public debate.⁴ Each year, approximately 600,000 people apply to become naturalized citizens of the United States. In 2004, about 662,794 petitions were filed for citizenship. Of these, 537,151 (or 81 percent) were granted naturalization (Center for Immigration Studies 2004). The racial and ethnic diversity of these newly naturalized citizens is reflected in table 3. The majority came from non-European regions, such as Asia (41 percent), North America (28 percent) — of which 36 percent, 42 percent and 16 percent were from the Caribbean, Mexico and Central America, respectively — and South America (7 percent). These figures lend support to Schuck's argument that citizenship and naturalization laws both engender and serve as a means for managing diversity (2003). [\[Insert table 3\]](#)

The recent government initiative to redesign the naturalization exam and standardize its administration may increase diversity even more by making the naturalization process less cumbersome for applicants. Currently, there are grave inconsistencies in the testing experience (from the content of the exam to the ways in which it is administered). The motivation for the redesign is to minimize disparate test-taking experiences. The United States Citizenship and Immigration Services is working with the National Academy of Sciences on this initiative. The role of the latter organization is to monitor the development of the redesign.

There are three proposed changes to the naturalization test. The first is a re-evaluation of the content covered in the civics component. The goal is to encourage naturalized persons to acquire a deeper understanding of American history and

government (as opposed to just memorizing dates and facts). The second change is recasting the English exam (reading, writing and speaking) to reflect comprehension of the English language. This redesign will ensure that examination questions are appropriate to each applicant's English proficiency level. For example, staff will present highly educated applicants who are proficient in English with more complex sentences than the ones they will present to applicants with less education and limited English abilities (Center for Immigration Studies 2004).

These attempts at redesigning the naturalization exam may have important implications for the socio-economic and demographic profile of naturalized citizens. For example, by synchronizing the English and literacy exam with an applicant's English proficiency or educational attainment level, the redesign could increase the naturalization rates of limited-English applicants. Thus, one can foresee the possibility of a greater diversity of education and English proficiency within the pool of naturalized Americans. Conversely, the naturalization redesign could also have a homogenizing effect by causing only highly educated and English-proficient applicants to be selected. It is only when the new design is made public that we can assess the full implications of the change.

[SH 1] Dual Citizenship/Transnationalism

In addition to this pending change to citizenship, there is the question of dual citizenship, which provokes further debate about whether new immigrants assimilate in the same way that earlier immigrants did. Dual citizenship and naturalization challenge governmental attempts to unify the American people on the basis of allegiance to one polity — that is, the United States. Despite the existence of the 1790 naturalization statute, which requires

naturalized residents to denounce all allegiance to previous nations, Americans can still obtain dual citizenship by other means. Dual citizenship can be acquired through:

- Birth in the US to immigrant parents (thus, the US-born child can claim citizenship of the parents' country of birth)
- Birth abroad to a US parent and a foreign parent (thus, the child can claim citizenship of both parents' countries of birth)
- Marriage to a foreigner (thereby transmitting his/her nationality to the spouse)
- Naturalization in another country after having acquired US citizenship
- The ineffectiveness of the renunciation oath required of the naturalized citizen by the 1790 statute (and hence the individual's citizenship in the country of origin may still be legally valid) (Schuck 2003, 97-8)

Approximately 90 percent of legal immigrants in the United States originate from countries that allow dual citizenship. In some countries — such as Mexico — where remittances account for a larger percentage of the GNP, there are strong economic incentives to acquire dual citizenship, even among US-born children of nationals.

How or if dual citizenship and the transnational ties that it encourages will affect the management of racial and ethnic diversity in the United States is an empirical question still to be answered. On the one hand, the diminished salience of transnational activities among second- and later-generation immigrants in the United States suggests that transnationalism only poses challenges to diversity management among the foreign-born population (Levitt and Waters 2002). On the other hand, globalization and the increasing interdependency and interconnectivity of world nations, coupled with the growing trend of international marriage, suggest that dual citizenship will be a much more pervasive phenomenon in the future. Therefore, polyglot nations that rely on fragile bases of national identity — such as the American civic identity — may find themselves in need of identity reconceptualization (Schuck 2003).

[SH 1] Policies to Deal with Race

In 1903, W.E.B. Du Bois foreshadowed that “the problem of the Twentieth Century is the problem of the color line” (1953, vii). More than a hundred years later, Du Bois’s characterization of the main division in American society still holds true, with perhaps the qualification that the problem is now more complex and more far-reaching than the “colour line.”⁵ Yet, despite the changing meanings and divisions of race and shifting racial boundaries, the historical practice of depicting and organizing American society along racial lines persists. And inequality in the US is still very much tied to racial identity. For instance, in 1969, 10 percent of Whites were living in poverty; the rate for Blacks was 3.6 times higher, at 36.7 percent; and the rate for Hispanics was 2.6 times higher than Whites, at 26.5 percent. By 1999, poverty had declined, but the differences according to race persisted. In 1999, 6.5 percent of non-Hispanic Whites were poor; and 21.2 percent of Blacks and 19.2 percent of Hispanics were poor (Danzinger and Gottschalk 2005, 57-8).

The centrality of race in American society today is reflected in the ways in which diverse immigrant populations are accommodated. As immigrants assimilate into American society, they also incorporate the American racial lens. For example, ethnographic research on West Indians reveals that Black immigrants are often surprised when they encounter American racialization. They may find their newly acquired status as “Black” shocking, because in their country of origin they did not necessarily consider themselves so (Waters 1999). Indeed, as Orlando Patterson shows, in many regions of the

world from which Blacks and Hispanics emigrate, categories of race are much more fluid (2005).

The racialization process that many ethnic and racial minority immigrants undergo in the United States, coupled with the laws and policies that govern the distribution of societal goods along racial lines, serve as strong incentives for immigrants to seek membership in established racial groups and engage in racial identity politics. We now discuss two race-based policies that have enabled immigrants to partake in the distribution of societal goods in the United States: nondiscrimination and affirmative action.

[Subhead level 2 (SH 2)] Nondiscrimination

The Civil Rights Act, 1964 was aimed at dismantling institutionalized discrimination against African Americans. The Act (and later the Voting Rights Act, 1965) was the result of the hard-fought struggles of the American Civil Rights Movement. According to John David Skrentny, “Despite the inclusion of sex, religion, and national origin, the early discussion of other ethnic minorities by Truman’s Civil Rights Committee, and the presumably broad meaning of the prohibition on racial discrimination...American citizens and political elites saw Title VII [which covers anti-discrimination in employment] and the entire Civil Rights Act of 1964 as being a law for African Americans” (2002, 100).

It was only later, during the late 1970s and early 1980s, that anti-discrimination policies were expanded to cover other racial and ethnic minorities, such as Hispanics, Asians and Native Americans, as well as women and people with disabilities (Skrentny

2002). Since the Civil Rights Act also includes national origin as a protected characteristic, immigrants can obtain anti-discrimination protection on the basis of other protected characteristics (for example, gender, race, ethnicity, disability status), irrespective of their noncitizen status. Thus, immigrants and citizens who have one or more of these characteristics enjoy legal protection against discrimination in many spheres of public and private life — ranging from voting rights, injunction relief against discrimination in places of public accommodation, desegregation of public facilities, desegregation of public education, nondiscrimination in federally assisted programs and equal employment opportunity. In the case of immigrant accommodation, we focus on education and employment.

Title VII of the Civil Rights Act, 1964 bars discrimination in employment based on race, colour, religion, sex or national origin and prevents employer retaliation against employees who take action against discriminating businesses. The law applies to employers with at least 15 employees, employment agencies and unions. Title VII also created the Equal Employment Opportunity Commission (EEOC), which fights discrimination in employment by monitoring private employers and investigating individual allegations of employment discrimination. Title IV of the Civil Rights Act, 1964 regulates the assignment of students to public schools (at all levels, ranging from elementary to post-secondary) and within such schools without regard to race, colour, religion or national origin. Thus, racial and ethnic immigrants and their children are theoretically protected against relegation to racially segregated, inferior schools (US Department of Justice 2005).

Anti-discrimination policies enjoy considerable support from the American people. They gel with the American ideology of equal opportunity and do not contradict notions of meritocracy. But anti-discrimination laws only allow for the redress of individual injustices after they have been incurred and do not necessarily prevent them (Harper and Reskin 2005). Furthermore, since discrimination against a person on the basis of any of the specified characteristics is illegal, racial and ethnic minorities and Whites can seek protection under anti-discrimination laws. In contrast, affirmative action, a more controversial race-based policy that has sparked much political protest at both ends of the political spectrum, is aimed at preventing exclusion in the first place by ensuring that protected minority groups are included in various spheres of economic, educational and political life.

[SH 2] Affirmative Action

Similar to the various anti-discrimination laws that came out of the Civil Rights Act, 1964, affirmative action policies owed their existence to the American Civil Rights Movement and were initially intended to redress the injustices incurred by the descendants of African American slaves (Skrentny 2002). As we shall illustrate later, the initial logic of the policies challenges immigrants' claims to affirmative action benefits. The volume of immigrants who could potentially enjoy such benefits is enormous. Hugh Davis Graham notes that in the year 2000, "16 million of the 24.6 million foreign-born residents were non-citizens, yet they remained eligible for minority preferences under many affirmative action programs" (2001, 64). Immigrants who are noncitizens or who

have yet to naturalize can claim affirmative action benefits by merely gaining membership in one of the protected-minority groups.

In their simplest and least contested form, affirmative action policies are almost indistinguishable from anti-discrimination policies. This is referred to as “soft” affirmative action, and it entails activities such as outreach to protected-minority communities, providing career advancement training and conducting fair assessments for promotions. At the other end of the spectrum is “hard” affirmative action, which is usually implemented as preferential or compensatory treatment. The most extreme and controversial form of affirmative action is quotas. But, despite public perception that affirmative action always translates into quotas, this rarely occurs (Graham 2001).

Affirmative action in education and employment and among federal contractors or small businesses is covered by different regulations, executive orders and statutes. Here, there are also differences in implementation. For example, not all employers are required to apply affirmative action policies. In the private sector, only large companies with substantial government contracts must do so (Harper and Reskin 2005, 365). The bulk of affirmative action regulations in education, particularly higher education, have been, for the most part, voluntary. Assessment of exclusion is usually based on proportional representation — that is, on whether a minority group is represented in schools or companies in proportion to its numbers in the general population (Harper and Reskin 2005).

Preferential treatment policies have not garnered much public support; they did not even do so initially. The General Social Survey is a good gauge of the American public’s attitudes toward affirmative action. During the early stages of affirmative action

— in the 1970s and 1980s — public support for preferential treatment was much higher. As shown in table 4, between 1972 and 1982, approximately one-quarter of Americans agreed or strongly agreed that the government should give special treatment to African Americans. By 1998, this figure had dropped to just over 17 percent. Note, however, that between 1972 and 1982, more than half of Americans believed that the government should not give special treatment to Blacks. The percentage of Americans opposed to the government giving special treatment to Blacks has hovered around 50 percent over the past two decades. Furthermore, more than half of Americans have consistently and strongly opposed racial preference in hiring and promotion. Part of the diminished support for affirmative action has to do with the belief among Americans that conditions for Black people have improved. In the 1970s and 1980s, less than half of Americans believed that conditions for Blacks had gotten better. In comparison, in 1998, 66 percent felt that conditions for Blacks had improved. Moreover, and consistent with notions of meritocracy, Americans feel that Blacks should try to pull themselves up by their own bootstraps (as Jews, Italians and other ethnic groups have done) (see table 5). As illustrated by table 6, Americans tend to attribute the relative lack of socio-economic success of Blacks to motivational deficiencies and less to institutional barriers such as discrimination; hence, their opposition to government intervention.

[Insert tables 4, 5 and 6]

Despite the public's limited support for affirmative action, these policies have enabled members of racial and ethnic minority groups, many of whom are immigrants, to make remarkable strides in education, particularly post-secondary education. In a review of the impact of affirmative action on higher education, Shannon Harper and Barbara

Reskin show that despite claims that affirmative action harms minority students by placing them in competition with better-prepared White students, thereby increasing minority dropout rates, minorities who attend more selective schools actually have higher graduation rates than their counterparts at less selective schools. Furthermore, minority retention rates were higher at schools that practised hard affirmative action (as opposed to those that implemented softer forms). More revealing, however, is the decline in minority student applications at public universities in states, such as California and Washington, where voter referenda ended affirmative action in public employment and education (Harper and Reskin 2005, 363-4). The empirical evidence indicates that affirmative action has been instrumental in ensuring racial and ethnic minority immigrants' inclusion in American society.

Yet, the success of the previously mentioned race-based public policies has also undermined the mono-racial and mono-ethnic classification schemes that form the basis of these laws. In the absence of immigrant-specific integration policies, the US government has relied on affirmative action and anti-discrimination laws, as well as other public policies intended to remedy discrimination against African Americans. But the correlation between racial and ethnic categories and social disadvantage or exclusion has grown weaker (Schuck 2003). The case of Asians aptly illustrates this weakened connection between race and social exclusion. Although Asians (and Pacific Islanders) have protected minority group status and qualify for affirmative action benefits, not all Asian ethnic groups are socio-economically disadvantaged enough to merit preferential treatment. For example, East Asian groups such as the Chinese, Koreans and Japanese have income and education levels similar to those of Whites. South Asians — namely,

Indians — have incomes that surpass those of Whites (Waters and Eschbach 1995). [This source did not appear on the reference list; I made an entry for it on the list; please be sure I have the correct one.]

High intermarriage rates between Hispanics and Whites and Asians and Whites have also led to a substantial multiracial population that refuses to self-identify as mono-racial or mono-ethnic. The government recognized these changes by allowing respondents, for the first time, to check more than one race on the 2000 Census form. Seven million people, or 2.4 percent of the population, indicated that they identified with two or more races. This number is bound to increase, because interracial marriage has been increasing steadily. In 1970, less than 1 percent of couples in the United States were interracial; by 2000, the figure was 5 percent. Intermarriage rates are generally shaped by group size, with smaller groups having higher out-marriage rates than larger ones. Among Asians and Hispanics, the foreign-born have lower intermarriage rates than the American-born; among Whites and Blacks, the foreign-born are more likely to out-marry. Among American Indians, a very small number — 57 percent — have out-married. [This (57%) seems like a large number, not a small one. Is there an error here?] Among Asians, the out-marriage rate is 16 percent; among Blacks, 7 percent; and among Whites, 3 percent. But 44 percent of US-born Asian women have a non-Asian spouse; for US-born Asian men, the figure is 32 percent. In the case of US-born Hispanic women, 31 percent have a non-Hispanic husband; and 29 percent of US-born Hispanic men have a non-Hispanic wife.

Intermarriage is on the rise, and yet the current system for allocating social benefits ignores this phenomenon. In fact, for purposes of affirmative action programs,

the government top-codes multi-race and multi-ethnic self-identifications on the census and forces them into mono-racial and mono-ethnic categories (Perlmann and Waters 2004). [Please complete a reference list citation for this source; I have started one, listed under Perlmann (I couldn't find a Perlmann and Waters source published in 2004); also, if this is a work in an edited collection, please cite that work instead.] The Office of Management and Budget issued guidelines for allocating mixed-minority and White individuals to the minority race. This inflated the proportional representation estimates and projections of how many minority group members would be eligible for affirmative action benefits. The growth of the multiracial population and the rise in intermarriage have made the boundaries between groups more permeable and harder to define. This has legal implications for all kinds of anti-discrimination laws. If people can be counted as both White and Black, and if discrimination in voting, for instance, is measured according to how the voting population matches the underlying demographics, how does one determine the base number for the denominator? And how much legitimacy can a system based on so many permutations of multiple-race reporting have in determining access to special treatment in hiring and promotions? (Goldstein and Morning 2002; Harrison 2002; Prewitt 2002). [None of these sources appear on the reference list. Please delete this citation or make reference list entries for them.] Intermarriage has reached a level unprecedented in American history, and few would deny that this is a very good thing — it's the success story of American diversity. Yet the resulting ambiguity about the boundaries and definitions of our standard racial groups undermines our system of laws and policies for protecting and ensuring that diversity.

The United States is heralded for maintaining stability and unity within a context of great racial, ethnic, religious and linguistic diversity. Scholars such as Peter Schuck attribute the success of America's diversity management to codified laws that regulate the distribution of scarce societal goods to diverse groups of people (2003). Policies such as affirmative action are one avenue by which racial and ethnic minority immigrants can partake in the American dream. But this pathway to inclusion in American society is contingent on continued public support for affirmative action. As the situation currently stands, that support is waning. The seemingly arbitrary expansion of affirmative action to include racial and ethnic minority groups that have not historically suffered injustice raises questions about affirmative action's legitimacy. Opposition to conferring affirmative action benefits on other racial and ethnic groups — including immigrants — stems mainly from the public understanding that, at its inception, affirmative action was only intended to remedy African American exclusion.

By allowing voluntary immigrants (that is, noncitizen racial and ethnic minorities) to take advantage of affirmative action benefits, the government may in effect be further undermining the intentions of affirmative action, because it will be ignoring the continued exclusion of African Americans now that Black representation in employment and education is on the rise (albeit due to the high participation rates of foreign-born Blacks) (Graham 2001). Indeed, in the summer of 2004, an article appeared on the front page of the New York Times entitled “Top Colleges Take More Blacks, But Which Ones?” The article reported on the deep consternation among Black alumni of Harvard University, pointing out that a majority — perhaps two-thirds — of the institution's “Black” students are first- or second-generation immigrants or the children of interracial

couples. There was a meeting on the issue, at which this point was debated: “African-American students whose families have been in America for generations were being left behind” (Rimer and Arenson 2004). This is not an issue faced by Harvard alone — a study by Douglas Massey and colleagues found that 41 percent of “Black” students at 28 selective colleges and universities nationwide were of immigrant stock or had multiracial backgrounds (Massey et al. 2003). Recent empirical studies of the young adult children of immigrants in the US have found that they are doing better in terms of educational attainment and labour market achievement than native-born Americans of the same racial background (Mollenkopf et al. 2004). [This source does not appear on reference list; please add it.] Affirmative action may indeed be good for immigrants and their children, but it may still leave behind the group it was designed to lift up: African Americans. This is a challenge that America will have to confront in the years to come.

[SH 1] Future Challenges: Immigration, Education and the Changing US Economy

In closing, we would like to suggest that specific immigration policies — including race-based policies, such as affirmative action — while important, may have only marginal effects on the long-range success of immigrants and their descendants. Current immigrants to the United States are overrepresented among the less-educated and the working poor. Policies developed in the last decade have not been designed to ease their integration into American society but rather to further restrict their access to the welfare provisions that remain for poor Americans. As Joppke and Morawska point out, the traditional view of immigrant incorporation is that there is a covenant between the

immigrant and the host society; the sustained openness of American society is offered in exchange for the immigrant's self-sufficiency (2003; see also Aleinikoff 2003).

Historically, the United States has been very successful in accommodating immigrants because of the relative openness of its labour market and the social mobility achieved by immigrants and their descendants.

In recent decades, the openness of America's higher-education system has also played a role. The large network of community colleges, the availability of general educational development (GED) degrees to older students and the variety of second chances the educational system provides have been an important source of opportunity and economic and social integration for first and second generations. This feature of American public policy has gone largely unrecognized, but the US system stands in sharp contrast to the often rigid educational systems of Western European countries. Cultural acceptance and full integration of immigrants followed this sometimes brutal, but, over the long run, rather successful incorporation of the descendants of immigrants into the labour market.

But European immigrants in the twentieth century passed into an economy that had entered a long period of expansion after the Depression. The rising economic tide lifted them and their children and made good on the implicit bargain they were offered: an open economy with the possibility of real social mobility for a majority of the newcomers and their descendants. The cost of giving up past allegiances in order to join the American mainstream was worth it. But, since the 1970s, income inequality has been growing; the fortunes of those at the bottom of the educational distribution chain have been declining.

Many immigrants now fall into the category of workers who have seen their economic fortunes decline over the last few decades. Income inequality grew rapidly between 1973 and 2001. As Sheldon Danzinger and Peter Gottschalk conclude, “Inflation adjusted annual earnings of male high school dropouts were 23 percent lower in 2002 than in 1975, and earnings for male high school graduates were 13 percent lower” (2005, 50). Economists have been debating the causes of this rise in income inequality, but most agree that immigration itself, especially illegal immigration, played a part by increasing the supply (and thus lowering the price) of unskilled labour. In addition, most labour economists point to the rise in international trade and the loss of manufacturing jobs to offshore sites, the decline in unionization and the falling real value of the federally mandated minimum wage. The consensus is that there has been a sharp rise in the returns to education in the labour market, leading to diminished prospects for those with extremely low levels of education, who are disproportionately immigrants (Lenz 2003).

The premium put on education in the current hourglass economy — with its many low-wage dead-end jobs and lack of jobs between these low-wage ones and higher paying ones requiring at least a college education — means that immigrants and their children face a difficult future. This may upset the link between economic mobility and cultural incorporation that has worked so well in the past. If the US does not provide the children of immigrants with the kinds of opportunities it allowed past immigrant generations, then the incentive for individual immigrants to assimilate into the American economy and culture may be lost. This challenge to the Americanization of immigrants and their children is far greater than those issues that usually emerge in such discussions — issues such as dual citizenship, transnationalism, linguistic or religious diversity. It is a

challenge best met through economic policy changes and investments in education and social welfare for poor Americans, regardless of their race or immigration status.

Diversity management may just be a giant distraction from the bigger issue facing Americans: making opportunities for advancement consistently available to the poor and the working class.

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Notes

¹ A major exception to the government's laissez-faire policy is found in local primary and secondary schools; these public institutions have devised a wide variety of ways of dealing with immigrant children who do not speak English.

² "Paroled" immigrants are those admitted to the United States under the claim that they face persecution in the country they are leaving. These immigrants, however, may not have official refugee or asylum status and would have to petition for such status after arriving in the United States (North Carolina Justice Center 2006; Wasem 2005).

³ Certain qualified immigrants — refugees, asylees, Amerasian immigrants and Cuban or Haitian entrants — are exempt from the five-year ban. Also, immigrants who entered the US prior to August 22, 1996 and acquired qualified status prior to or after that date are exempt from the time limitations (Broder 2005).

⁴ The National Research Council of the National Academies published an interim report on the redesign of the US naturalization test in 2004. A final report will not be issued, however, due to a decision on the part of the US Citizenship and Immigration Services of the Department of Homeland Security not to renew the contract.

⁵ Scholars of race and ethnicity such as Herbert Gans have hypothesized that the emergent division in the twenty-first century may not be between Blacks and Whites but rather between Blacks and non-Blacks (1999). Other scholars, like Mia Tuan, contend that certain racial groups, such as Asians, remain "forever foreigners" as they are not easily absorbed on either side of the colour line (1998).